



Development Services Department
Environmental Coordinator
450 110th Avenue NE
Bellevue, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPOSAL NAME:	148 th Ave Condos
LOCATION:	110 148th Ave NE
FILE NUMBERS:	19-113487-LO
PROPONENT:	Greg Arms, Milestone NW
DESCRIPTION OF PROPOSAL: Construct eleven (11) single-family detached residences on an 8.74 acre site. The undeveloped site is bisected by Kelsey Creek (including associated floodplain), a Type-F fish bearing stream, and includes ten (10) wetlands. The proposal requires a reasonable use exception, which limits the development area to 10% (0.874 acres) of the total site area.	

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision.

DATE ISSUED: December 10, 2020

APPEAL DATE: December 24, 2020

A written appeal must be filed in the City Clerk's Office by 5 p.m. on the date noted above.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Heidi Bedwell, Planning Manager

Issued By: _____ **for**
Elizabeth Stead, Environmental Coordinator
Development Services Department

Date: December 10, 2020



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: 148th Ave Condos

Proposal Address: 110 148th Ave NE

Proposal Description: Critical Areas Land Use Permit to construct eleven (11) single-family detached residences on an 8.74 acre site. The undeveloped site is bisected by Kelsey Creek (including associated floodplain), a Type-F fish bearing stream, and includes ten (10) wetlands. The proposal requires a reasonable use exception, which limits the development area to 10% (0.874 acres) of the total site area.

File Number: 19-113487-LO

Applicant: Greg Arms, Milestone NW

Decisions Included: Critical Areas Land Use Permit (Process II)

Planner: Peter Rosen, Senior Environmental Planner

**State Environmental Policy Act
Threshold Determination:**

Determination of Non-Significance

Heidi Bedwell, Planning Manager

Elizabeth Stead, Environmental Coordinator
Development Services Department

Director's Decision:

Approval with Conditions

Michael A. Brennan, Director
Development Services Department

Heidi Bedwell, Planning Manager

Elizabeth Stead, Land Use Director

Application Date:	May 21, 2019
Notice of Application Publication Date:	June 21, 2019
Decision Publication Date:	December 10, 2020
Project Appeal Deadline:	December 24, 2020

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

TABLE OF CONTENTS

I.	Description of Proposal	Pg 3
II.	Site Description and Site Context	Pg 5
III.	Consistency with Zoning and Land Use Code Requirements	Pg 11
IV.	State Environmental Policy Act (SEPA)	Pg 18
V.	Changes to Proposal Due to Staff Review.....	Pg 19
VI.	Summary of Technical Reviews	Pg 20
VII.	Public Notice and Comment	Pg 24
VIII.	Decision Criteria	Pg 24
IX.	Conclusion and Decision	Pg 26
X.	Conditions of Approval	Pg 26

Attachments:

1. Preliminary Site Plan – Attached
2. Critical Areas Mitigation Plans – Attached
3. Applicant Response Letter Regarding On-Site Road Access Easement – Brent Carson, October 30, 2019 – Attached
4. Critical Areas Report – Talasaea Consultants, May 19, 2019, revised August 11, 2020 – In File
5. Geotechnical Recommendations – Riley Group, February 18, 2019 – In File
6. Drainage Report (TIR) – Eastside Consultants, May 20, 2019 – In File
7. SEPA Environmental Checklist – In File

I. DESCRIPTION OF PROPOSAL

The proposal is to construct eleven (11) single-family detached residences on an 8.74 acre site. The undeveloped site is bisected by Kelsey Creek (associated floodplain), a Type-F fish bearing stream and includes ten (10) wetlands.

The development area is limited to the west portion of the site. In order to avoid and minimize critical area/critical area buffer impacts, the proposed development area is located adjacent to the site frontage and would be accessed off 148th Ave NE. No development activity is proposed on the east portion of the site, to the east of Kelsey Creek.

The proposal requires a reasonable use exception, which applies to sites that are more than 90% constrained by critical areas and critical area buffers (LUC 20.25H.200.A.4). Under a reasonable use exception, the development area is limited to 10% of the total site area. The proposed development area is 38,082 SF (0.87 acres) or 10% of the 380,847 SF (8.7 acres) total site area.

The development area contains the 11 detached residences, the access road and driveways, utilities, a hammer-head turn-around, a guest parking stall (24' X 8.5'), and an 850 SF (25' x 30.4') multi-family play area.

Access to the proposed residences would be from a private street off 148th Ave NE. The proposed driveway access off of 148th Ave NE is 26-feet wide, tapering to a 20-foot wide private street. A 5-foot sidewalk is provided on the north side of the access drive. Required transportation infrastructure will include installation of a new commercial driveway access, new curb, gutter, sidewalk, and landscape strip along 148th Avenue NE. See Figure 1 below showing the Overall Site Plan and Figure 2 for the Preliminary Site Plan.

Critical Areas

The proposed development area is outside of the 100-foot Kelsey Creek stream buffer and therefore the project would not result in stream buffer impacts. The development area is also outside the Kelsey Creek FEMA 100-year floodplain and City flood easement.

The proposal would impact a total of 14,486 SF of wetland buffer area. To mitigate for the wetland buffer impacts, the proposal includes: 33,972 SF of wetland buffer enhancement (1:2.3 mitigation ratio), 10,967 SF of enhancement of degraded wetlands (Wetlands AA and AAA), and 1,205 SF of wetland buffer creation (added wetland buffer). The wetland and wetland buffer enhancement would include the removal of non-native invasive vegetation and replanting with native-adapted tree and shrub plant species. The proposal also includes non-compensatory invasive plant removal in the northwest corner of the site. To improve critical area functions along Kelsey Creek, the applicant proposes to plant 50 native conifer trees in a 21,276 SF area adjacent to Kelsey Creek.

The proposal would result in temporary construction impacts to wetland buffers (5,712 SF) adjacent to the development area. This temporary construction impact area is shown as approximately a 5-foot width around the permanent development area. The temporary

construction impact area will be restored with native plantings.

The proposal would have direct fill impacts on one Category IV wetland (Wetland 'B', 780 SF). Category IV wetlands that are less than 2,500 SF in size are exempt from City critical area regulations (LUC 20.25H.095.C.4). However, wetland mitigation is required by State/Federal agencies. The proposal includes 2,373 SF of wetland creation (1.5:1 mitigation ratio) adjacent to Wetland AA to compensate for this wetland impact. The applicant shall provide State/Federal agency permit approval of the wetland impacts and mitigation, prior to issuance of construction permits.

The Critical Area Impact and Mitigation Plans are included in this report as Attachment 2.

A Critical Areas Land Use Permit is required per LUC 20.25H.015.B because the proposal involves disturbance and modifications to wetland buffers. The reasonable use exception is considered under the Critical Areas Land Use Permit.

Figure 1 – Overall Site Plan

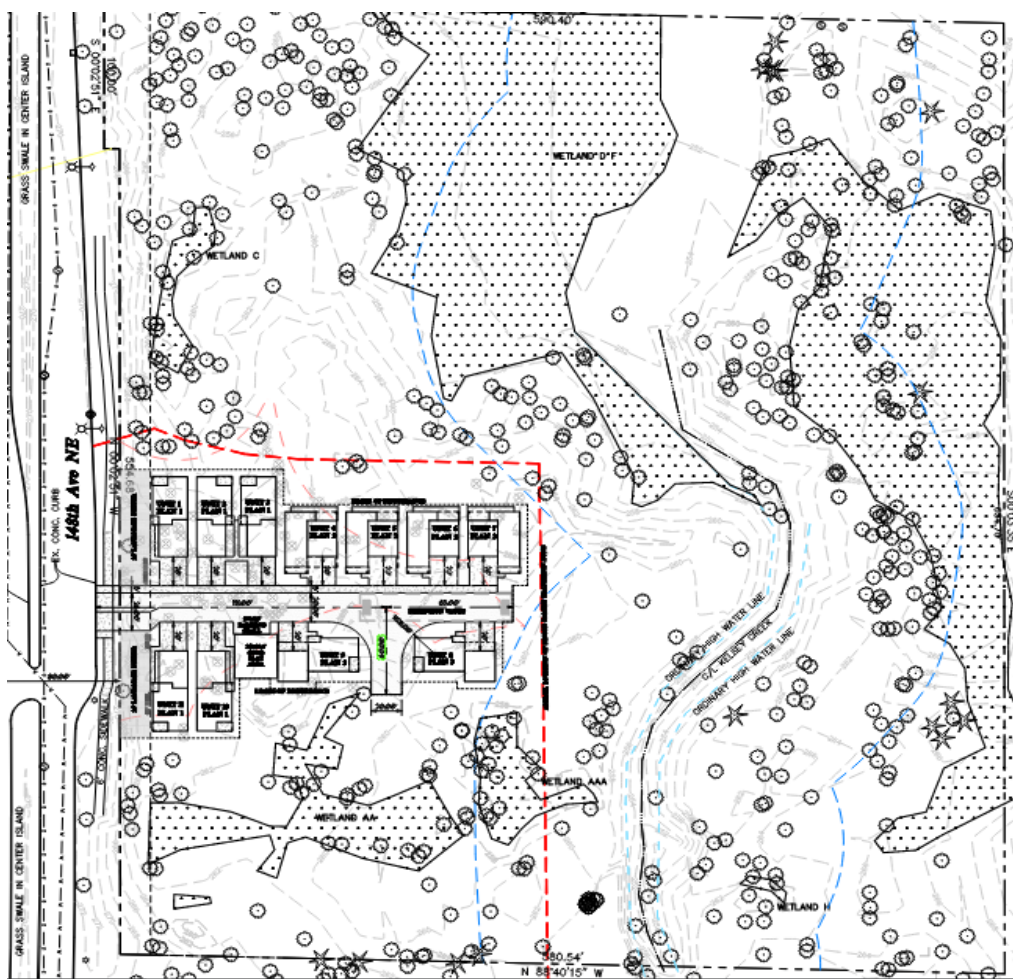


Figure 2 – Preliminary Site Plan



II. SITE DESCRIPTION, SITE CONTEXT, ZONING/LAND USE, CRITICAL AREAS

A. Site Description

The subject site is comprised of one parcel and is a total of 8.74 acres. The site is currently undeveloped. The property is approximately 94% encumbered by wetlands, streams and their associated buffers. The contiguous, unencumbered upland area of the property is approximately 0.53 acres, located adjacent to the site frontage on 148th Ave NE.

Kelsey Creek bisects the property and flows in a northerly direction for approximately 730 linear feet through the site. The Washington Department of Fish and Wildlife, Priority Habitat and Species (PHS) database lists Federally-listed threatened fall Chinook salmon and Federal Species of Concern Coho salmon as present in the reach of Kelsey Creek that traverses the project site. There is a flood easement associated with Kelsey Creek recorded on the site, an easement to the City of Bellevue, as depicted on Figure 3, Existing Site Conditions below. The 100-year FEMA floodplain is within the flood easement and is also shown on Figure 3.

Ten (10) wetlands have been identified and delineated on the project site. See the Critical Area Mitigation Plans, (Attachment 2, Sheet W1.0) for the location, size, wetland rating, and wetland buffer of each wetland. The wetland boundaries were verified by the U.S. Army Corps of Engineers in 2006. The City's peer review biologist (Otak) also reviewed and confirmed the wetland boundaries in October 2016.

Wetlands are rated based on their ecological functions. The most ecologically significant wetlands on the site are the two (2) Category II wetlands: Wetland F (30,664 SF) located on the east side of Kelsey Creek and separated from the development area by the creek, and Wetland D (30,060 SF) on the west side of Kelsey Creek and associated with the stream. The hydrology of Wetland D is supported by overbank flooding of Kelsey Creek, shallow groundwater and precipitation. The Category II wetlands require a 110-foot wetland buffer.

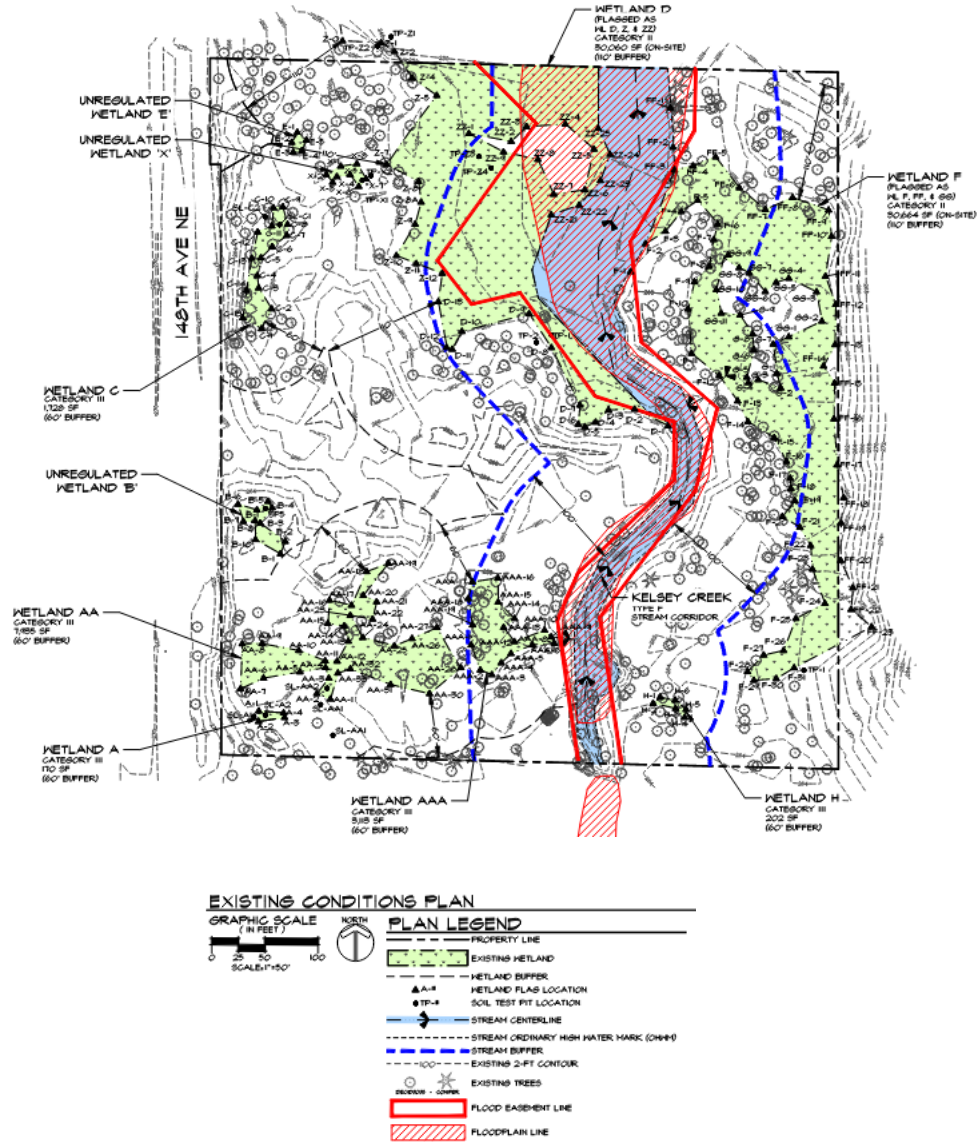
Five (5) wetlands on the site have been rated as Category III wetlands. These wetlands range in size from 170 SF to 7,935 SF. The wetlands are located primarily on the west side of Kelsey Creek and clustered in the southwest portion of the site. The Category III wetlands require a 60-foot wetland buffer.

Three (3) Category IV wetlands less than 2,500 SF in size have been identified. Category IV wetlands, less than 2,500 SF in size, are not regulated as critical areas by City critical area regulations and therefore do not require wetland buffers (LUC 20.25H.095.C.4).

The vegetation on the site and within the wetland and stream buffer areas consists mostly of deciduous trees, middle-aged Red Alder and Black Cottonwood, and shrub vegetation consisting of Salmonberry, Spirea, and Himalayan Blackberry. Herbaceous vegetation consists of Sword Fern, Reed Canarygrass, Skunk Cabbage, and other common species.

The Critical Areas Report (Talasaea Consultants, May 19, 2019, revised August 11, 2020, in file) includes a detailed description of all wetlands on the site; including, the wetland hydrogeomorphic classification, existing vegetation, wetland hydrology, and the wetland rating.

Figure 3 – Existing Site Conditions



B. Site Context

The subject site is located adjacent to 148th Ave NE, which is classified as a major arterial street. The immediate neighborhood has a mix of multi-family and single-family residential uses. There is multi-family development to the south of the site and to the west directly across 148th Ave NE. To the east of the subject site is the future Puesta Del Sol Elementary School. Property to the north is currently undeveloped.

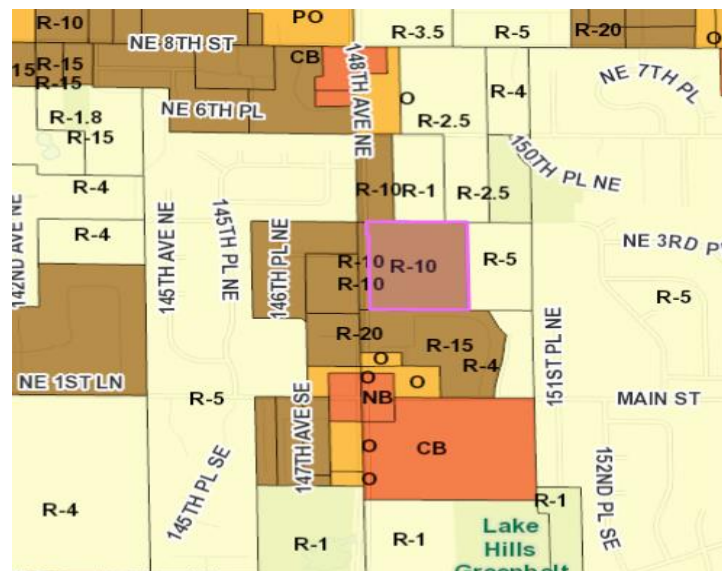
Figure 4 – Site Context Aerial Photograph



C. Zoning/Land Use

The subject site is located in the R-10 zoning district and is surrounded by a mix of single-family zoning (R-1, R-2.5, R-4, R-5) and multi-family zoning (R-10, R-15, R-20). Because of the proximity to residentially zoned property, a portion of the site is within the Transition Area Overlay District (LUC 20.25B). However, the proposed development is not located in the portion of the site area located in this overlay district. There are commercial zoned properties (O, NB, CB) to the south of the site, along the 148th Ave NE corridor. See Figure 5 below.

Figure 5 – Zoning Map



The Comprehensive Plan land use designation for the site is Multi-Family Low Density (MF-L). The R-10 zoning is consistent with and implements the MF-L Comprehensive Plan designation. The proposed multi-family residential development is consistent with the Land Use designation.

D. Critical Areas Functions and Values

i. Streams and Riparian Areas – LUC 20.25H.075

Stream and Riparian Area Functions:

Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi-canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or re-vegetated (May 2003). Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands,

seeps, and springs to support stream baseflows. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

ii. Wetlands - LUC 20.25H.095

Wetland Functions:

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue’s wetlands provide various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well (Novitski et al., 1995). However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, urban wetlands may provide significant stormwater control and water quality functions, even if the wetlands are degraded and comprise only a small percentage of area within a basin.

iii. Habitat Associated with Species of Local Importance – LUC 20.25H. Article VIII

Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005 Munns 2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005). Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O’Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

III. CONSISTENCY WITH LAND USE CODE REQUIREMENTS

A. Zoning District Dimensional Standards and General Development Requirements:

Development Density in Critical Areas Overlay District – LUC 20.25H.045

The site is located in the R-10 zoning district. The maximum allowed density has been calculated consistent with the density calculation for development located in the Critical Areas Overlay District, LUC 20.25H.045:

Site area: 380,887 SF (8.74 acres)

Units per Acre (R-10): 10

Total Critical Area and Critical Area Buffer: 350,407 SF (8.04 acres)

Total Buildable Area: 30,480 SF (.7 acres)

Development factor: .08 - $(350,407 \text{ SF} / 380,887 \text{ SF} = 0.080)$

$[(DU/acre)(Buildable \text{ area in acres}) + (DU/acre)(Total \text{ critical area and critical area buffer in acres})(Development \text{ factor})] = \text{Maximum dwelling unit potential}$

$10(.70) + 10(8.04)(.08) = 13.44$ base density, rounded down to 13 units

The proposal for 11 dwelling units is less than the maximum 13 units allowed.

Transition Area Design District – LUC Part 20.25B

The subject site is partly within the single-family transition area design district, see boundary of transition area on Figure 2, Preliminary Site Plan. However, the proposed development area is outside the boundaries of the single-family transition area and therefore the transition area development standards don't apply, and no Design Review is required per LUC 20.25B.030.

The street frontage to the north of the development area is within the transition area. A 20-foot landscape buffer is provided along the entire street frontage, consistent with the standards in LUC 20.25B.040.C.2. Where the street frontage landscaping is within wetland buffer areas, the existing trees and vegetation within the wetland buffer qualify for the required landscape buffer.

Multifamily Play Areas – LUC 20.20.540

New multifamily developments of 10 units or more are required to provide unpaved, usable open space for an outdoor children's play area. The play area shall be a minimum of 800 SF for 10 units, with an additional 50 square feet of usable open space for each additional unit beyond the initial 10 units. The proposal includes an 850 SF play area for the proposed 11 units, consistent with the code requirement.

The play area should be designed for active and passive recreational activities appropriate for children and should include amenities such as play equipment and seating benches. A detailed design of the multifamily play area shall be submitted with Building Permits. **See Condition of Approval regarding Multifamily Play Area in**

Section X of this report.

The plans generally demonstrate conformance with zoning dimensional standards. However, conformance with all zoning requirements will be verified as part of the required Construction Permit review. **See Condition of Approval regarding Construction Permits Required in Section X of this report.**

B. Critical Area Performance Standards

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The following sections of the Land Use Code apply to the proposal:

i. Consistency with LUC 20.25H.080.A – Performance Standards – Streams and LUC 20.25H.100 – Performance Standards – Wetlands

The Performance Standards for Streams and Wetlands are identical and therefore are addressed together below:

1. Lights shall be directed away from the stream/wetland.

Response: The development area will be surrounded by dense planting of enhanced wetland buffer area which would filter and screen light impacts on wetlands and Kelsey Creek. Kelsey Creek is approximately 100-160 feet from the development area and existing vegetation and the proposed buffer enhancement would ameliorate light impacts on the creek. To minimize light impacts on the stream, wetlands and associated buffers, the applicant shall provide lighting fixture shield details on all exterior lights to prevent spillover light levels outside of the development area. **See Condition of Approval regarding Lighting Fixture Shields in Section X of this report.**

2. Activity that generates noise such as parking lots, generators, and residential uses, shall be located away from the stream/wetland, or any noise shall be minimized through use of design and insulation techniques.

Response: No parking areas are proposed adjacent to the critical area buffers. The proposed buffer enhancement would create a dense vegetation barrier around the periphery of the development area, which would reduce noise impacts on the stream and wetland buffer areas.

3. Toxic runoff from new impervious area shall be routed away from the stream/wetland.

Response: All stormwater will be collected in a detention vault under the access road and treated onsite before discharging to dispersion trenches. Best Available Technology will be employed to provide enhanced water quality treatment. There will

be no direct discharge of untreated stormwater into wetland areas or buffers. Treated stormwater would be discharged through dispersion trenches.

Stormwater discharge from dispersion trenches must maintain a minimum vegetated flowpath from the edge of the wetland in order to disperse stormwater through vegetation prior to reaching the wetland, as required in the Department of Ecology and City-adopted stormwater manual (Design Criteria for Dispersion Trenches, DOE Vol. II 3.1.2). The plans show a dispersion trench at the southwest corner of the development area adjacent to Wetland AAA (Sheet W1.1 Critical Areas Mitigation Plan). This must be revised to maintain the minimum 25-foot vegetated flowpath between the dispersion trench and wetland area. This revision must be shown on construction plans. **See Condition of Approval regarding Stormwater Dispersion Trenches in Section X of this report.**

Dense vegetation planting at the outlet/discharge of a dispersion trench slows stormwater velocity and further treats and improves the water quality of the stormwater discharge. The final Critical Area Mitigation plans shall include dense vegetation planting at the outlet/discharge of the dispersion trenches. **See Condition of Approval regarding Stormwater Dispersion Trench Planting in Section X of this report.**

4. Treated water may be allowed to enter the stream/wetland critical area buffer.

Response: The proposed stormwater plan will discharge only treated stormwater into the wetland buffers. No untreated stormwater will be allowed to enter the stream or wetland buffers.

The Department of Ecology (DOE) Stormwater Manual includes requirements (Minimum Requirement #8) to address water quality and hydrology impacts to wetlands resulting from stormwater discharge. Requirements include demonstrating that stormwater from impervious surface areas is treated prior to discharge, that predevelopment hydrology to the wetlands is maintained, and that alterations to the wetland hydrology would not substantially change the depth or duration of ponding or impact the existing wetland vegetation community. A Stormwater Report is required with construction permits and shall demonstrate the proposal meets the DOE Stormwater Manual requirements for wetland protection. **See Condition of Approval regarding Wetland Protection - Stormwater Report in Section X of this report.**

5. The outer edge of the stream/wetland critical area buffer shall be planted with dense vegetation to limit pet or human use. Preference shall be given to native species.

Response: The outer edge of wetland buffers adjacent to the development area is proposed to be planted with dense native-specie vegetation to limit pet or human intrusion and use of the critical area buffers. A split-rail fence and signage are also

proposed around the development area and along the street frontage to limit pet or human encroachment. **See Conditions of Approval regarding Final Mitigation Plan in Section X of this report.**

6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream/wetland critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices", now or as hereafter amended.

Response: The proposal includes extensive removal of existing invasive plant species (English ivy, Himalayan blackberry) as site preparation for the enhancement planting and to improve conditions for existing native plants. Only herbicides approved for use in aquatic environments may be used within 150 feet of wetland areas or the stream. The use of herbicides, pesticides, insecticides and fertilizers during site preparation for the critical area buffer enhancement planting, within 150 feet of the edge of the stream/wetland critical area buffers, shall be in accordance with the City of Bellevue's "Environmental Best Management Practices." **See Conditions of Approval regarding Bellevue's "Environmental Best Management Practices" in Section X of this report.**

Post-construction and beyond the required 5-year monitoring/maintenance period, the homeowners would be responsible for maintaining the commonly-held critical areas and critical area buffers. The Homeowner's Covenants, Conditions & Restrictions (CC & R's) shall include that the use of herbicides, pesticides, insecticides and fertilizers within critical areas/buffers, shall be in accordance with the City of Bellevue's "Environmental Best Management Practices." **See Conditions of Approval regarding Vegetation Management Plan and Bellevue's "Environmental Best Management Practices" in Section X of this report.**

ii. Consistency with Land Use Code 20.25H.205 – Reasonable Use Exception – Performance Standards.

A. The structure shall be located on the site in order to minimize the impact on the critical area or critical area buffer, including modifying the non-critical area setbacks to the maximum extent allowed under LUC 20.25H.040;

Response: The proposal requires a reasonable use exception and therefore the development area is limited to 10% of the total site area, which effectively limits project impacts to critical areas/buffers. The proposed development area is located toward the 148th Ave NE street frontage in the largest contiguous upland area outside of critical area buffers on the site. The development area is outside of the 100-foot Kelsey Creek stream buffer, avoids direct wetland impacts and minimizes the wetland buffer impacts.

The 20-foot front yard structure setback from 148th Ave NE cannot be feasibly reduced. The 20-foot structure setback is necessary to provide an on-site landscape buffer from

the 148th Ave NE major arterial and to allow for a grading transition necessary to minimize the slope gradient allowed for the driveway access.

B. Ground floor access points on portions of the structure adjacent to undisturbed critical area or critical area buffer shall be limited to the minimum necessary to comply with the requirements of the International Building Code and International Fire Code, as adopted and amended by the City of Bellevue;

Response: The applicant has not provided architectural plans showing the ground floor access points of the proposed residences. Front doors of the residences would face toward the access road. On the back of the residences, there are minimal backyards and a minimal distance around the structures to allow for their maintenance. There will be a split rail fence and signage constructed around the development area to limit residential access and encroachment into the adjacent critical areas/critical area buffers.

Ground floor access points shall be limited to the minimum necessary to comply with the requirements of the International Building Code and International Fire Code. This standard shall be reviewed on the Building Permits. **See Conditions of Approval regarding Ground Floor Access Points in Section X of this report.**

C. Associated development, including access driveways and utility infrastructure, shall be located outside of the critical area or critical area buffer to the maximum extent technically feasible;

Response: The development area is outside of the critical area/critical area buffers to the maximum extent technically feasible. The reasonable use exception limits the development's total permanent disturbance area to 10% of the total site area. The permanent disturbance area includes the residential structures, access and driveways, and utility infrastructure.

D. Areas of disturbance for associated development, including access and utility infrastructure, shall be consolidated to the maximum extent technically feasible;

Response: The permanent area of disturbance is consolidated to include the access road and utility infrastructure to the maximum extent feasible. The stormwater dispersion trenches are the only development component located outside of the consolidated development area and have been included in calculating the total allowed permanent disturbance area.

E. All areas of temporary disturbance associated with utility installation, construction staging and other development shall be determined by the Director and delineated in the field prior to construction and temporary disturbance shall be restored pursuant to a restoration plan meeting the requirements of LUC 20.25H.210;

Response: The critical area mitigation plans (Attachment 2) show temporary construction impacts, approximately a 5 foot-width around the development area. It is also shown on the Preliminary Site Plan and on the conceptual grading plan as the limits of disturbance. The critical area plans show the restoration of areas impacted by temporary construction. The Clearing & Grading permit shall show the limits of disturbance consistent with the approved plans and the limits shall be clearly delineated in the field prior to construction. There shall be no site disturbance outside the identified temporary construction limits, except for the mitigation planting. **See Conditions of Approval regarding Construction Limits of Disturbance in Section X of this report.**

Trees outside of the designated construction limits shall be protected from construction impacts. The Clearing and Grading permit submittal shall include the tree protection measures and tree protection fencing shall be installed prior to construction. **See Conditions of Approval regarding Tree Protection in Section X of this report.**

F. Areas of permanent disturbance shall be mitigated to the maximum extent feasible on site pursuant to a mitigation plan meeting the requirements of LUC 20.25H.210; and

Response: The proposal adequately mitigates for the permanent wetland buffer impacts and disturbance and meets the requirements of LUC 20.25H.210.

The proposal would impact a total of 14,486 SF of wetland buffer area. To mitigate for the wetland buffer impacts, the proposal includes: 33,972 SF of wetland buffer enhancement (1:2.3 mitigation ratio), 10,967 SF of wetland enhancement of degraded wetlands (Wetlands AA and AAA) and 1,205 SF of wetland buffer creation (added wetland buffer area). The wetland and wetland buffer enhancement would include the removal of non-native invasive vegetation and replanting with native-adapted tree and shrub plant species. The proposal also includes non-compensatory invasive plant removal in the northwest corner of the site. To improve critical area functions along Kelsey Creek, the applicant proposes to plant 50 native conifer trees in a 21,276 SF area adjacent to Kelsey Creek.

A Final Critical Areas Mitigation Plan is required to be submitted and approved with the construction permit applications. The Final Critical Areas Mitigation Plan shall be consistent with the approved conceptual mitigation plans (Attachment 2). The Final Critical Areas Mitigation Plan shall show planting locations, plant species, plant quantities and size of plant material. The Final Critical Areas Mitigation Plan shall include performance standards to measure the successful establishment of the mitigation plantings. A maintenance and monitoring surety is required to ensure the mitigation planting will be maintained and monitored for five years. Annual maintenance and monitoring reports are required to assess if required performance standards are being met. **See Conditions of Approval regarding a Final Mitigation Plan, Final Mitigation Plan Performance Standards, Maintenance and Monitoring Surety, and Annual Maintenance and Monitoring Reports, in Section X of this report.**

G. Fencing, signage and/or additional buffer plantings should be incorporated into the site development in order to prevent long-term disturbance within the critical area or critical area buffer. (Ord. 6417, 5-21-18, § 45; Ord. 5680, 6-26-06, § 3)

Response: The proposal includes split rail fencing and signage around the site development area and along the 148th Ave NE street frontage to prevent long-term disturbance and encroachment into the critical area buffers. The proposal also includes dense wetland buffer planting surrounding the development area to prevent disturbance within critical areas/buffers. **See Conditions of Approval regarding Fencing and Signage in Section X of this report.**

The approved site plan shall be recorded with the King County Division of Records and Elections. The site plan shall clearly delineate the approved development area from the protected critical areas/buffers. It shall include a statement that all future activity within the identified critical areas and critical area buffers shall comply with the provisions of the City's Critical Areas Overlay District, Part 20.25H of the Land Use Code. The applicant shall provide a copy of the recorded site plan prior to issuance of any Certificate of Occupancy. **See Conditions of Approval regarding Site Plan Recording in Section X of this report.**

iii. Consistency with Land Use Code 20.25H Article VIII – Habitat Associated with Species of Local Importance

The Critical Areas Overlay District designates twenty-three (23) wildlife species of local importance and requires a habitat assessment to evaluate the site for the potential presence of the designated species of local importance or the habitat associated with species of local importance, and to include an assessment of potential project impacts to the use of the site by the species.

The Critical Areas Report (Talasaea Consultants, May 17, 2019, revised August 11, 2020) includes a habitat assessment identifying the likelihood of presence and site utilization by the designated 23 species of local importance. The report concludes there are five (5) species of local importance that have a likelihood of being present on the site: Pileated Woodpecker, Great Blue Heron, Green Heron, Chinook Salmon, Coho Salmon. Nine (9) other species were determined as having a low probability of presence.

The report also includes an evaluation of potential habitat using the City's Urban Wildlife Habitat Functional Assessment Model (Appendix G), which assesses and rates the ability of a property to provide usable habitat for wildlife. The model results concluded that the site has high habitat potential for wildlife, including species of local importance.

The proposed development, as a reasonable use exception, is confined to 10% of the total site area. The development area is located completely outside the 100-foot Kelsey Creek stream buffer and is located in the largest contiguous upland area to

minimize impacts to wetland buffers. Most of the site's vegetation would not be impacted and would continue to provide high habitat potential. No project impacts to the habitat of designated species of local importance is anticipated. Proposed mitigation would enhance critical area buffers with native tree and shrub species, improving habitat opportunities for wildlife. The proposed mitigation also includes habitat features such as downed logs and snags, which would be placed throughout the buffer and wetland mitigation areas.

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application disclosed expected environmental impacts associated with the project. The permit submittal demonstrates adequate mitigation for the project impacts and no additional mitigation measures are necessary to mitigate for environmental impacts associated with the proposal.

City codes and requirements, including the Land Use Code, Noise Ordinance, Building Code and other construction codes will adequately mitigate expected environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

Transportation

Long Term Impacts and Mitigation

The City has prepared a traffic forecasting model for the 2030 horizon year to assess cumulative impacts that may result from growth and development during that period. This modeling analysis is based on a projected land use scenario and improvements to the transportation system that would occur during this time period.

Under the level of service standard detailed in the Transportation Code, the City is divided into 14 Mobility Management Areas (MMAs), each with an area average standard and a congestion management standard. The traffic modeling shows that all of the MMAs would meet both standards. This project proposes to add a maximum net increase of 11 Single Family dwelling units (Detached Condos) in MMA 9, East Bellevue. This level of development is within the assumptions of the City's traffic modeling and does not require additional mitigation.

In addition, transportation impact fees are used by the City to fund street improvement projects to alleviate traffic congestion caused by the cumulative impacts of development throughout the City. Payment of the transportation impact fee, as required by Chapter 22.16 BCC, contributes to the financing of transportation improvement projects in the current adopted Transportation Facilities Plan, and is considered to be adequate mitigation of long-term traffic impacts. Fee payment is required at the time of building permit issuance. Impact fees are subject to change and the fee schedule in effect at the time of building permit issuance will apply. **Refer to Condition of Approval regarding Transportation Impact Fee in Section X of this report.**

Mid-Range Impacts and Mitigation

Project impacts anticipated to occur in the next six years are assessed through a concurrency analysis. The Traffic Standards Code (BCC 14.10) requires that development proposals generating 30 or more new p.m. peak hour trips undergo a traffic impact analysis to determine if the concurrency requirements of the State Growth Management Act are maintained.

The 148th Avenue Condos development will generate 11 new p.m. peak hour trips; therefore, concurrency is not required for this project.

Short Term Operational Impacts and Mitigation

A Level 1 Traffic Study memorandum dated October 26, 2020, was prepared for this project by TENW. The Traffic Study included assessment of the forecasted trip generation and sight distance for vehicles and pedestrian. The 148th Ave Condos project consists of 11 single family (detached condos) dwelling units which will generate 11 new p.m. peak hour trips (7 entering and 4 exiting the site). No short-term traffic impacts are expected, and no additional traffic mitigation is required. Frontage improvements are required on 148th Avenue NE, which will include the installation of a new commercial driveway access, restricted to right-in/right-out only movements and located 20-ft to the north of the existing U-Turn on 148th Ave NE. Additional frontage improvements will include new curb, gutter, sidewalk, and landscaping strip along 148th Avenue NE.

The vehicular and pedestrian sight distance triangles were evaluated at the proposed driveway and appear to be clear of obstructions and provide unobstructed view of vehicles using the mid-block U-turn to the south of the proposed driveway access.

V. CHANGES TO PROPOSAL DUE TO STAFF REVIEW

The following minor revisions to the proposal were made due to staff review comments:

- Stormwater dispersion trenches outside the development area were added and calculated as part of the total, allowed permanent disturbance area.
- A temporary construction disturbance area (approximately 5 foot width) was added around the periphery of the permanent disturbance area to allow for construction activity. The temporary disturbance area will be restored post-construction.
- The flood easement and 100-year FEMA floodplain were added to the site plan.
- Plans were revised to show landscaping of the 20-foot front yard setback abutting 148th Ave NE.
- Applicant provided information for Transportation Review, including a Level 1 Traffic Study.

VI. SUMMARY OF TECHNICAL REVIEWS

A. Clearing & Grading Review

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development and geotechnical report for compliance with Clearing and Grading codes and standards. Clearing and Grading review conditions of approval are included in Section X below.

B. Utilities

The development proposed for this application has been reviewed on a conceptual basis and can be feasibly construct water, sewer and storm facilities under current Utility codes and standards without requesting modifications or deviations from them. Major changes to the design may cause delay in approval of future utility construction permits. **See Condition of Approval regarding Utilities Conceptual Approval in Section X of this report.**

Surface Water

The site is located within the Kelsey Creek Drainage Basin Storm and storm water from the site currently drains to Kelsey Creek via sheet flow and there is no development currently onsite. Detention for flow control and provide water quality will be required and a wetland exists on the site and therefore be required to be protected per DOE Minimum Requirement 8. The applicant has proposed detention with an engineered outfall of dispersion trenches to maintain the wetland hydroperiod. Outfalls are not proposed to be located in the wetland and will maintain a 25 foot vegetated flow path prior to discharge to the wetland per BMP design requirements. **See Condition of Approval regarding Stormwater Dispersion Trenches in Section X of this report.**

Water

Domestic water for the site will connect to a 12" ductile iron main located in 148th Ave NE. There is adequate capacity in the water mains to supply the site with domestic water. Water connections are not proposed to cross the wetland onsite.

Sewer

Domestic sewer for the site is available to an existing gravity sewer main located in 148th Ave NE. There is adequate capacity in the system to serve the site. Sewer is not proposed to cross the wetland onsite.

C. Transportation Review

Project Summary

The proposed 148th Condos project site is located on the east side of 148th Avenue NE about halfway between Main Street and NE 6th Street.

The 148th Ave Condos project consists of 11 single family (detached condos) dwelling units which will generate 11 new p.m. peak hour trips. The required transportation infrastructure will include installation of a new commercial driveway access, new curb, gutter, sidewalk, and landscaping strip along 148th Avenue NE.

Vehicle Access and Loading

All vehicular access to the proposed project site will be provided via a single driveway off of 148th Avenue NE, approximately 218 feet north of the southern property line and 20 feet north of the mid-block U-turn on 148th Avenue NE. The proposed driveway will be restricted to right-in/right-out only movements through maintaining the existing median along 148th Avenue. Truck loading for delivery and Republic trash and recycling service vehicles will be accommodated on-site. The project is providing an offset hammerhead turnaround facility at the east end of the driveway. **Refer to Conditions of Approval regarding Vehicular Access Restrictions and Provisions for Loading in Section X of this report.**

Pedestrian Access

The proposed 148th Ave Condos project will construct new sidewalk facilities along the development frontage on 148th Avenue NE. This includes a minimum 6-foot wide sidewalk and a minimum 5-foot wide planter strip between the back of curb and the sidewalk. Along the remaining site frontage, existing sidewalk that was recently constructed may remain provided that it has an adjacent 5-ft minimum landscaping strip (between the back of curb and the sidewalk) and that it will not be impacted by the proposed development.

Existing sidewalk along the entire site frontage that does not meet ADA requirements or is showing signs of cracking and displacement shall be replaced with a minimum 6-foot wide sidewalk and 5-foot planter strip between the back of curb and the sidewalk.

In addition, proposed project will be providing a 5-foot pedestrian path along the north side of the driveway connecting the public sidewalk on 148th Avenue NE into the site. The extent of the replacement will be determined during the review of the construction plans.

Bicycle Access

There are no existing bicycle infrastructure and no new or dedicated bicycle infrastructure is listed in Bellevue's plans within the vicinity of the site. No new bicycle infrastructure will be constructed with this project. Bicycles will use vehicle travel lanes and the sidewalk to navigate to their destination.

Transit Service Access

King County Metro operates service in the vicinity of the site. The nearest transit stop is provided on Main Street approximately 1200 feet south of the project site (west of 148th Avenue NE). The service provides access to King County Metro Transit route 245. In addition, transit stops are provided on NE 8th Street, approximately 2000 feet north of the project site with access to King County Metro Transit route 221 and the B Line. The stops can be reached from the site using the existing sidewalk and existing traffic signals for intersections crossings.

Sight Distance for vehicles and pedestrians

The sight distance assessment is documented in the Traffic Study.

Sight distance assessment for vehicles and pedestrians was evaluated at the proposed driveway approach onto 148th Avenue NE. The vehicular sight distance at the driveway was evaluated to the south of the site driveway only as the driveway is restricted to right-in/right-out only movements. In addition, vehicles exiting the proposed driveway access would have an unobstructed view of southbound vehicles utilizing the existing mid-block

U-Turn located on 148th Avenue NE south of the proposed driveway access.

Any proposed landscaping, signage, and street furnishings shall be placed to avoid obstruction within the sight lines for vehicles and pedestrians.

Street Lighting

The City recently upgraded the nearby streetlights along 148th Avenue NE to LED. No additional street lighting is anticipated for this project unless existing streetlights are impacted by the project.

Transportation Infrastructure

To provide safe pedestrian and vehicular access in the vicinity of the site, and to provide infrastructure improvements with a consistent and attractive appearance, the construction of street frontage improvements is required as a condition of development approval. The design of the improvements must conform to the requirements of the Americans with Disabilities Act, the Transportation Development Code (BCC 14.60), and the provisions of the Transportation Department Design Manual.

Engineering and construction details must be shown on the civil engineering plans submitted to the clearing and grading permit. The engineering plans shall be the controlling document on the design of these features; architectural and landscape plans must conform to the engineering plans. During construction, city inspectors may require additional survey work at any time to confirm proper elevations. The building grade and elevations shall be consistent with the curb and sidewalk grade shown in the approved civil engineering plans.

The 148th Ave Condos project required transportation infrastructure will include new curb, gutter, sidewalk, and landscaping strip along 148th Avenue NE, and a commercial driveway access onto 148th Avenue NE.

A detailed list of required transportation infrastructure is included in the Civil Engineering Plans – Transportation Conditions of Approval section of this report.

Refer to Conditions of Approval regarding Civil Engineering Plans – Transportation, Building and Site Plans – Transportation, Transportation Infrastructure and Street Development Requirements in Section X of this report.

Easements

The applicant shall provide sidewalk and utility easements to the City as needed to encompass the full required width of any sidewalks, slope, and wall located outside the city right of way fronting this site.

The applicant shall provide easements to the City for location of signal and street light facilities consisting of above-grade boxes and/or below-grade vaults between the building and sidewalk within the landscape area. Transformers and utility vaults to serve the building shall be placed inside the building or below grade. **Refer to Conditions of Approval regarding Sidewalk/Utility Easements in Section X of this report.**

Right-of-Way Dedication

To incorporate street improvements which are reasonably necessary to mitigate the direct results of the development, the developer is required to dedicate property such that street surface to back of curb is accommodated within the public right-of-way.

A 10-ft wide right of way dedication will be required on 148th Avenue NE of approximately 100-feet at the northern end of the property to match the existing 80-ft right of way from the centerline along this frontage. **Refer to Conditions of Approval regarding Dedication of Right of Way in Section X of this report.**

Right-of-Way Hold Harmless and Indemnity Agreement

A right-of-way hold harmless and indemnity agreement is required for soil nails or other permanent shoring objects, awnings/weather protection, pet relief areas, street furniture, specialized paving materials, and other landscape amenities permanently placed in the right-of-way or sidewalk and utility easement. A right-of-way use permit maybe required for these elements. **Refer to Conditions of Approval regarding Right-of-Way Hold Harmless and Indemnity Agreement in Section X of this report.**

Use of the Right of Way During Construction

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit. Sidewalks may not be closed except as specifically allowed by a Right of Way Use Permit. **Refer to Conditions of Approval regarding Right-of-Way Use Permit in Section X of this report.**

Pavement Restoration

The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every street in the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it has last been resurfaced. These three categories are, "No Street Cuts Permitted," "Overlay Required," and "Standard Trench Restoration." Each category has different trench restoration requirements associated with it. Damage to the street can be mitigated by placing an asphalt overlay well beyond the limits of the trench walls to produce a more durable surface without the unsightly piecemeal look that often comes with small strip patching.

Near the development site, 148th Avenue NE is classified as Grind and Overlay required. Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the extent of street cuts or damage) grind and overlay will be required for a minimum of 50 feet.

The extent of the required pavement restoration will be specified with the right-of-way use permit for this project. **Refer to Conditions of Approval regarding Pavement Restoration in Section X of this report.**

VII. PUBLIC NOTICE AND COMMENT

Application Date: May 21, 2019
Public Notice (500 feet): June 20, 2019
Minimum Comment Period: July 5, 2019

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin and Seattle Times on June 20, 2019. It was mailed to property owners within 500 feet of the project site.

Several email comments were received from Eckart Schmidt and Leonard McGhee. The comments mostly regard a purported access easement across the south portion of the subject site for an alternative road access across Kelsey Creek to the Bellevue School District Bellewood Elementary or Puesta Del Sol school site.

Response: The applicant's attorney responded that there is no access easement recorded on the subject property. See letter from Brent Carson, dated October 30, 2019, included as Attachment 3.

Eckart Schmidt also emailed questions and comments regarding the SEPA review process, notifications and public review of permit applications.

Response: Staff responded with information on the permit and SEPA review process.

Karen Walter with the Muckelshoot Indian Tribe commented on the Kelsey Creek floodplain and potential project impacts to downstream properties, beaver activity on the site, and the wetland delineation.

Response: The proposed development is outside of the 100-year floodplain and flood easement. The wetland boundaries were verified by the U.S. Army Corps of Engineers in 2006. The City's peer review biologist (Otak) also reviewed and confirmed the wetland boundaries in October 2016.

VIII. DECISION CRITERIA:

i. Land Use Code 20.30P.140 - Critical Areas Land Use Permit – Decision criteria.

The Director may approve or approve with modifications an application for a critical areas land use permit if:

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The proposal is required to obtain construction permits prior to the commencement of any clearing/grading or construction activity. See Condition of Approval regarding Construction Permits Required in Section X of this report.

The proposal will have direct impacts on wetlands which will require State/Federal Agency permit approval. The applicant shall provide State/Federal agency permit approval of the project's wetland impacts and mitigation, prior to issuance of construction permits. See Condition of Approval regarding State/Federal Agency Approval in Section X of this report.

2. **The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;**

Finding: The proposal utilizes best available design and development techniques by locating the allowed development area on the largest contiguous upland portion of the site where it would result in the least impact on critical areas and critical area buffers. The proposal requires a reasonable use exception and therefore the development area is limited to 10% of the total site area, which effectively limits impacts to critical areas/buffers.

3. **The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and;**

Finding: Section III above discusses how the proposal incorporates the applicable performance standards.

4. **The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;**

Finding: Adequate public facilities and utilities are available to serve the site and the proposed development. Site improvements and right-of-way improvements will be required and reviewed with construction permits. **See Condition of Approval regarding Construction Permits Required and Utilities Conceptual Approval in Section X of this report.**

5. **The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and**

Finding: The proposal includes a mitigation plan consistent with the requirements of LUC 20.25H.210. The critical area mitigation plans are included as Attachment 2.

A Final Mitigation Plan is required to be submitted and approved with the construction permit applications. The Final Mitigation Plan shall be consistent with the approved conceptual mitigation plans (Attachment 2). The Final Mitigation Plan shall show planting locations, plant species, plant quantities and size of plant material. The Final Mitigation Plan shall include performance standards to measure the successful establishment of the mitigation plantings. A maintenance and monitoring surety is required to ensure the mitigation planting will be maintained and monitored for five years. Annual maintenance and monitoring reports are required to assess if required performance standards are being met. **See Conditions of Approval regarding a Final Mitigation Plan, Final Mitigation Plan Performance Standards, Maintenance and Monitoring Surety, and Annual Maintenance and Monitoring Reports, in Section X of this report.**

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in this report, the proposal complies with other applicable requirements of the Land Use Code.

IX. CONCLUSION AND DECISION

After conducting the various administrative reviews associated with this proposal, including applicable City Code and standard compliance reviews, the Director of the Development Services Department does hereby **APPROVE WITH CONDITIONS** the 148th Ave NE Condos Critical Areas Land Use Permit.

This approval automatically expires and is void if the applicant fails to file for approval of the construction permits within one year of the effective date of approval unless the applicant files for an extension at least 30 days prior to the expiration and the extension is granted pursuant to LUC 20.45B.150 and 160.

Please also note that there is no revision process for an approved Critical Areas Land Use Permit. A new/revised Critical Areas Land Use Permit may be required if the approved site plan needs to be revised during construction permit review to meet City standards and requirements and the required revisions result in an increase in critical area/critical area buffer impacts.

X. CONDITIONS OF APPROVAL

The following conditions are imposed under authority referenced:

COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

The applicant shall comply with all applicable Bellevue City Codes, Standards, and Ordinances including but not limited to:

Applicable Codes, Standards & Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Savina Uzunow, (425) 452-7860
Land Use Code – BCC Title 20	Peter Rosen, (425) 452-5210
Transportation Develop. Code – BCC 14.60	Randa Kiriakos, (425) 452-2569
Right-of-Way Use Code 14.30	Randa Kiriakos, (425) 452-2569
Utility Code – BCC Title 24	Mark Dewey, (425) 452-6179

A. GENERAL

- 1. Construction Permits Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of any construction permit. The proposal is required to obtain construction permits prior to the commencement of any clearing/grading or construction activity. Site improvements and right-of-way improvements will be required and reviewed with construction permits. Plans submitted as part of any permit application shall be consistent with the activity permitted under this approval. Conformance with all zoning requirements will be verified as part of the required Building Permit review.

Authority: Land Use Code 20.30P.140
Reviewer: Peter Rosen, Development Services Department

- 2. Critical Area and Critical Area Buffer Modification Limitations:** The modifications to the critical area buffers approved in this report are limited to the approved Site Plan in Attachment 1. There is no implied approval for future modifications or expansion of any sort within the prescribed critical area or critical area buffer/structure setback.

Authority: Land Use Code 20.25H.230; LUC 20.25H.055
Reviewer: Peter Rosen, Development Services Department

- 3. Geotechnical Review:** The project geotechnical engineer must review the final construction plans, including all retaining walls and foundation designs. A letter from the geotechnical engineer stating that the plans conform to the recommendations in the geotechnical report and any addendums and supplements must be submitted to the clearing and grading section prior to issuance of the construction permit.

Authority: Clearing & Grading Code 23.76.050
Reviewer: Savina Uzunow, DSD, Clearing & Grading Section

- 4. Rainy Season Restrictions:** No clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,
Reviewer: Savina Uzunow, DSD, Clearing & Grading Section

- 5. Utilities Conceptual Approval:** Utility Department approval of the design review application is based on the conceptual design only. Minor changes to the site layout may be required to accommodate the utilities after land use design review is approved. The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities Department construction plan review, approval, and field inspection is performed under the Utility Developer Extension Agreement (DEA) and Utilities Permit Processes. A water, sewer and storm Developer Extension Agreement will be required for the project. Easements will be required as needed.

Authority: BCC 24.02, 24.04, 24.06
Reviewer: Mark Dewey, Utilities

- 6. Vehicular Access Restrictions:** Access to this site from 148th Avenue NE will continue to be restricted to right-turn-in and right-turn-out only. This will be achieved through maintaining the existing median along 148th Avenue NE and signage, as specified in the final civil engineering plans for the development.

Authority: BCC 14.60.150

Reviewer: Randa Kiriakos, Transportation Department

- 7. Provisions for Loading:** The property owner shall provide an off-street loading space which can access a public street. This must include an off-street location for garbage pick-up, which must be acceptable to the garbage hauler. On-street loading and unloading will not be permitted.

Authority: LUC 20.20.590.K.4; BCC 14.60.180

Reviewer: Randa Kiriakos, Transportation Department

B. PRIOR TO ISSUANCE OF ANY CLEAR AND GRADE PERMIT

8. Right-of-Way Use Permit

Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:

- a) Designated truck hauling routes.
- b) Truck loading/unloading activities.
- c) Location of construction fences.
- d) Hours of construction and hauling.
- e) Requirements for leasing of right of way or pedestrian easements.
- f) Provisions for street sweeping, excavation and construction.
- g) Location of construction signing and pedestrian detour routes.
- h) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevent access. General materials storage and contractor convenience are not reasons for preventing access.

The applicant shall secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

Authority: BCC 11.70 & 14.30

Reviewer: Tim Stever (425) 452-4294

9. Civil Engineering Plans – Transportation

Civil engineering plans produced by a qualified engineer must be approved by the Transportation Department prior to issuance of the clearing and grading permit that permits construction of the infrastructure. The design of all transportation

infrastructure, street frontage improvements and driveway accesses must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, the provisions of the Transportation Department Design Manual, and specific requirements stated elsewhere in this document. The civil engineering plans shall be the controlling document for all transportation infrastructure and street frontage improvements; architectural and landscape plans must conform to the engineering plans as needed.

All proposed infrastructure improvements within the right-of-way shall conform to current WSDOT Standard Specifications for Road, Bridge and Municipal Construction and to the City of Bellevue Special Provisions (BSP's).

All relevant standard drawings from the Transportation Department Design Manual shall be copied exactly into the final engineering plans.

The engineering plans shall include the following required transportation infrastructure:

1. New standard concrete curb and gutter along 148 Avenue NE where impacted (replace any substandard sections along the site frontage).
2. New planter strip at the back of curb with a minimum width of 5-feet.
3. New sidewalk with a minimum width of 6-feet behind the planter.
4. A minimum 26-foot wide commercial driveway approach at the site access. This entrance must meet vehicle and pedestrian sight distance requirements per the Design Manual.
5. Channelization and traffic signs along 148th Avenue NE.
6. The landscape planter shall have spray irrigation, root barrier, street trees and landscaping.
7. Existing City fiber is located along 148th Avenue NE within the northbound lanes adjacent to the project site. 148th Ave Condos project will be responsible for fiber upgrades to current City standards if impacted by the project. Depending on the project impacts, an alternative pathway may be needed for the fiber during construction.
8. **Additional infrastructure requirements include, but are not limited to:**
 - a. The existing curb, gutter, and sidewalk along the property frontage shall be completely removed and reconstructed with the new curb, gutter and sidewalk as listed above.
 - b. Any proposed landscaping, signage, and street furnishings shall be placed to avoid obstruction within the sight lines for vehicles and pedestrians. Show the required sight triangles and include any sight obstructions, including those off-site. Sight distance triangles must be shown at all driveway locations and must consider all fixed objects and mature landscape vegetation. Vertical as well as horizontal line of sight must be considered when checking for sight distance.
 - c. No new building structure or garage shall be constructed over or under a street right-of-way.
 - d. No soil nailing is allowed under a street right of way or sidewalk/utility easement without an indemnification agreement that protects the city.

- e. A combined street tree and streetlight plan is required for review and approval prior to completion of engineering and landscape plans. The goal is to provide the optimum number of street trees while not compromising the light and safety provided by streetlights. Street trees and streetlights must be shown on the same plan sheet with the proper separation (generally 25 feet apart) and the proper spacing from driveways (ten feet from Point A in standard drawing SW-140-1 or equivalent).
- f. The Americans with Disabilities Act (ADA) requires that sidewalk cross slopes not exceed two percent. The sidewalk cross slope may be less than two percent only if the sidewalk has a longitudinal slope sufficient to provide adequate drainage. Bellevue's standard for curb height is six inches, except where curb ramps are needed. The engineering plans must comply with these requirements, and must show adequate details, including spot elevations, to confirm compliance. New curb and sidewalk shall be constructed in compliance with these requirements. Building elevations shall be consistent with the required curb and sidewalk elevations. Spot elevations must be included in the building plans in a manner that proves that building elevations are designed to correspond to the sidewalk elevations shown in the engineering plans, especially at entrances and other key points. Curb and sidewalk elevations will not be revised to fit the building, and city inspectors may require spot surveys during construction in order to confirm the required elevations.
- g. ADA also requires provision of a safe travel path for visually impaired pedestrians. Potential tripping hazards are not allowed in the main pathway. Any planter boxes installed in the sidewalk to improve pedestrian sight distance at driveways must be designed to reduce the tripping potential and must not extend more than two feet into the public sidewalk. Traffic signal controller boxes and streetlight contactor cabinets must be located so as not to interfere with the main pedestrian path. Buildings shall be designed so that doors do not swing out into the pedestrian path. Installation of colored or textured bands to guide pedestrians in the direction of travel is advisable, subject to the requirements for non-standard sidewalk features. ADA-compliant curb ramps shall be installed where needed, consistent with City and WSDOT standard drawings. If such standards cannot be met, then deviation from standards must be justified on a Design Justification Form to be filed with the Transportation Department.
- h. Root barrier and soil preparation, for landscape strips within the sidewalk along the public road, are described in Standard Drawing SW-130-1.
- i. The design and appearance of the sidewalk and landscaping shall comply with the standards and drawings in the Transportation Department Design Manual. The sidewalk shall be constructed of standard concrete with a broom finish and a two-foot by two-foot score pattern, unless both the Transportation Department and the Development Services Department agree to accept any non-standard pattern, color, or other features.

- j. Any non-standard features or vegetation shall not create a sight obstruction within any required sight triangle, shall not create a tripping or slipping hazard in the sidewalk, and shall not create a raised fixed object in the street's clear zone. The materials and installation methods must meet typical construction requirements.
- k. No fixed objects, including fire hydrants, trees, and streetlight poles, are allowed within ten feet of a driveway edge, defined as Point A in standard drawing SW-140-1 or equivalent. Fixed objects are defined as anything with breakaway characteristics greater than a four-inch by four-inch wooden post.
- l. No new utility vaults that serve only one development will be allowed within a public sidewalk. Vaults serving a broader public purpose may be located within a public sidewalk. To the extent feasible, no utility vaults may be located within the primary walking path in any sidewalk.
- m. No new overhead utility lines will be allowed within or across any right of way or sidewalk easement, and existing overhead lines must be relocated underground.
- n. All existing and new franchise utility distribution systems, including power, telephone, and TV cable, fronting or serving the commercial development site shall be undergrounded. No above ground utilities shall be permitted within the planter strip or sidewalk. Transformers and utility vaults to serve the development shall be placed inside the building or behind the sidewalk.

Construction of all street frontage improvements must be completed prior to closing the clear and grade permit and right of way use permit for this project. A Design Justification Form must be provided to the Transportation Department for any aspect of any pedestrian route adjacent to or across any street that cannot feasibly be made to comply with ADA standards. Design Justification Forms must be provided prior to approval of the clear and grade plans for any deviations from standards that are known in advance. Forms provided in advance may need to be updated prior to project completion. For any deviations from standards that are not known in advance, Forms must be provided prior to project completion.

Authority: BCC 14.60; Transportation Department Design Manual;
Americans with Disabilities Act

Reviewer: Randa Kiriakos, Transportation Department

9. Additional infrastructure requirements include, but are not limited to:

- o. The existing curb, gutter, and sidewalk along the property frontage shall be completely removed and reconstructed with the new curb, gutter and sidewalk as listed above.
- p. Any proposed landscaping, signage, and street furnishings shall be placed to avoid obstruction within the sight lines for vehicles and pedestrians. Show the required sight triangles and include any sight obstructions, including those off-site. Sight distance triangles must be shown at all driveway locations and must consider all fixed objects and mature landscape vegetation. Vertical as well as

horizontal line of sight must be considered when checking for sight distance.

- q. No new building structure or garage shall be constructed over or under a street right-of-way.
- r. No soil nailing is allowed under a street right of way or sidewalk/utility easement without an indemnification agreement that protects the city.
- s. A combined street tree and streetlight plan is required for review and approval prior to completion of engineering and landscape plans. The goal is to provide the optimum number of street trees while not compromising the light and safety provided by streetlights. Street trees and streetlights must be shown on the same plan sheet with the proper separation (generally 25 feet apart) and the proper spacing from driveways (ten feet from Point A in standard drawing SW-140-1 or equivalent).
- t. The Americans with Disabilities Act (ADA) requires that sidewalk cross slopes not exceed two percent. The sidewalk cross slope may be less than two percent only if the sidewalk has a longitudinal slope sufficient to provide adequate drainage. Bellevue's standard for curb height is six inches, except where curb ramps are needed. The engineering plans must comply with these requirements, and must show adequate details, including spot elevations, to confirm compliance. New curb and sidewalk shall be constructed in compliance with these requirements. Building elevations shall be consistent with the required curb and sidewalk elevations. Spot elevations must be included in the building plans in a manner that proves that building elevations are designed to correspond to the sidewalk elevations shown in the engineering plans, especially at entrances and other key points. Curb and sidewalk elevations will not be revised to fit the building, and city inspectors may require spot surveys during construction in order to confirm the required elevations.
- u. ADA also requires provision of a safe travel path for visually impaired pedestrians. Potential tripping hazards are not allowed in the main pathway. Any planter boxes installed in the sidewalk to improve pedestrian sight distance at driveways must be designed to reduce the tripping potential and must not extend more than two feet into the public sidewalk. Traffic signal controller boxes and streetlight contactor cabinets must be located so as not to interfere with the main pedestrian path. Buildings shall be designed so that doors do not swing out into the pedestrian path. Installation of colored or textured bands to guide pedestrians in the direction of travel is advisable, subject to the requirements for non-standard sidewalk features. ADA-compliant curb ramps shall be installed where needed, consistent with City and WSDOT standard drawings. If such standards cannot be met, then deviation from standards must be justified on a Design Justification Form to be filed with the Transportation Department.
- v. Root barrier and soil preparation, for landscape strips within the sidewalk along the public road, are described in Standard Drawing SW-130-1.
- w. The design and appearance of the sidewalk and landscaping shall comply with the standards and drawings in the Transportation Department Design Manual. The sidewalk shall be constructed of standard concrete with a broom finish and

a two-foot by two-foot score pattern, unless both the Transportation Department and the Development Services Department agree to accept any non-standard pattern, color, or other features.

- x. Any non-standard features or vegetation shall not create a sight obstruction within any required sight triangle, shall not create a tripping or slipping hazard in the sidewalk, and shall not create a raised fixed object in the street's clear zone. The materials and installation methods must meet typical construction requirements.
- y. No fixed objects, including fire hydrants, trees, and streetlight poles, are allowed within ten feet of a driveway edge, defined as Point A in standard drawing SW-140-1 or equivalent. Fixed objects are defined as anything with breakaway characteristics greater than a four-inch by four-inch wooden post.
- z. No new utility vaults that serve only one development will be allowed within a public sidewalk. Vaults serving a broader public purpose may be located within a public sidewalk. To the extent feasible, no utility vaults may be located within the primary walking path in any sidewalk.
- aa. No new overhead utility lines will be allowed within or across any right of way or sidewalk easement, and existing overhead lines must be relocated underground.
- bb. All existing and new franchise utility distribution systems, including power, telephone, and TV cable, fronting or serving the commercial development site shall be undergrounded. No above ground utilities shall be permitted within the planter strip or sidewalk. Transformers and utility vaults to serve the development shall be placed inside the building or behind the sidewalk.

Construction of all street frontage improvements must be completed prior to closing the clear and grade permit and right of way use permit for this project. A Design Justification Form must be provided to the Transportation Department for any aspect of any pedestrian route adjacent to or across any street that cannot feasibly be made to comply with ADA standards. Design Justification Forms must be provided prior to approval of the clear and grade plans for any deviations from standards that are known in advance. Forms provided in advance may need to be updated prior to project completion. For any deviations from standards that are not known in advance, Forms must be provided prior to project completion.

Authority: BCC 14.60; Transportation Department Design Manual; Americans with Disabilities Act

Reviewer: Randa Kiriakos, Transportation Department

10. Sidewalk/Utility Easements

The applicant shall provide sidewalk and utility easements to the City such that sidewalks outside of the City right of way along the property frontage are located within the easement area.

Authority: BCC 14.60.100

Reviewer: Randa Kiriakos, Transportation Department

11. Dedication of Right-of-Way

The applicant shall dedicate right of way to the City along the property frontage such that street improvements to the back of curb are located within the public right of way. The applicant shall dedicate 10 feet of right-of-way on 148th Avenue NE approximately 100-feet at the northern end of the property to match the existing 80-feet right of way from the centerline along this frontage.

Authority: BCC 14.60.090

Reviewer: Randa Kiriakos, Transportation Department

12. State/Federal Agency Approval: The applicant shall provide State/Federal Agency permit approval for the project's wetland impacts and mitigation, prior to issuance of construction permits.

Authority: Land Use Code 20.30P.140

Reviewer: Peter Rosen, Development Services Department

13. Construction Limits of Disturbance: Construction limits of disturbance, consistent with the approved plans, shall be shown on the Clearing & Grading permit and the limits shall be clearly delineated in the field prior to construction. There shall be no site disturbance outside the identified temporary disturbance construction limits, except for the mitigation planting.

Authority: Land Use Code 20.25H.205

Reviewer: Peter Rosen, Development Services Department

14. Tree Protection: The Clearing and Grading permit submittal shall include the tree protection measures to protect existing, retained trees during construction activity. Tree protection fencing must be installed prior to construction.

Authority: Land Use Code 20.25H.205

Reviewer: Peter Rosen, Development Services Department

15. Final Mitigation Plan: A Final Mitigation Plan is required to be submitted and approved with a Clearing and Grading Permit. The Final Mitigation Plan shall be consistent with the approved conceptual Critical Areas Mitigation Plans. The Final Mitigation Plans shall show planting locations, plant species, plant quantities and size of plant material.

Authority: Land Use Code 20.25H.100, 20.25H.220

Reviewer: Peter Rosen, Development Services Department

16. Final Mitigation Plan Performance Standards: The Final Mitigation Plan shall include performance standards to measure the successful establishment of the mitigation plantings. The following performance standards are acceptable and shall be included on the final mitigation plans:

Year 1 (from date of plant installation)

- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
- Maximum 10% coverage of invasive plants in planting area

Year 2 (from date of plant installation)

- At least 90% survival of all installed material
- Maximum 10% coverage of invasive plants in planting area

Year 3, 4, & 5 (from date of plant installation)

- At least 85% survival of all installed material
- Maximum 10% coverage of invasive plants in planting area

Authority: Land Use Code 20.25H.220

Reviewer: Peter Rosen, Development Services Department

17. Fencing and Signage: The Final Mitigation Plan shall include a split-rail fence and critical area signage around the development area and the site's street frontage to limit pet or human encroachment into the critical areas/buffers.

Authority: Land Use Code 20.25H.100, 20.25H.220,

Reviewer: Peter Rosen, Development Services Department

18. Bellevue's "Environmental Best Management Practices": The use of herbicides, pesticides, insecticides and fertilizers during site preparation for the critical area buffer enhancement planting, within 150 feet of the edge of the stream/wetland critical area buffers, shall be in accordance with the City of Bellevue's "Environmental Best Management Practices." The Final Mitigation Plans shall include this information.

Authority: Land Use Code 20.25H.100

Reviewer: Peter Rosen, Development Services Department

19. Maintenance and Monitoring Surety: A financial surety is required to be submitted to ensure the mitigation planting successfully establishes. A monitoring/maintenance assurance device that is equal to 20% of the cost of plants, installation, and the cost of monitoring is required to be held for a period of five years from the date of successful installation. A cost estimate is required to be provided with the Clearing & Grading permit and the financial surety is required to be posted prior to issuance of the Clearing & Grading permit. Release of the surety after the 5-year monitoring period is contingent upon a final inspection of the planting by Land Use Staff that finds the

maintenance and monitoring plan was successful and the mitigation meets performance standards.

Authority: Land Use Code 20.25H.220

Reviewer: Peter Rosen, Development Services Department

20. Annual Maintenance and Monitoring Reports: The mitigation planting is required to be maintained and monitored for five years to ensure the plants successfully establish. Annual monitoring reports are required to be submitted to document the plants are meeting approved performance standards. Photos from selected photo points shall be included in the monitoring reports to document the planting. Land Use inspection is required by Land Use staff to end the plant monitoring period.

Reporting shall be submitted no later than December 31st of each monitoring year and shall include a site plan and photos from photo points established at the time of Land Use inspection. Reports shall be submitted to Peter Rosen or Heidi Bedwell by the above listed date and can be emailed to prosen@bellevuewa.gov or mailed directly to:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.30P.140; 20.25H.220

Reviewer: Peter Rosen, Development Services Department

21. Stormwater Dispersion Trenches: Stormwater discharge from dispersion trenches must maintain a minimum vegetated flowpath from the edge of wetlands, as required in the Department of Ecology and City-adopted stormwater manual (Design Criteria for Dispersion Trenches, DOE Vol. II 3.1.2). The plans show a dispersion trench at the southwest corner of the development area adjacent to Wetland AAA. This shall be revised to maintain a minimum 25-foot vegetated flowpath between the dispersion trench and wetland area. This revision must be shown on construction plans.

Authority: LUC 20.25H.100; DOE vol III 3.1.2

Reviewer: Mark Dewey, Utilities Review, Development Services Department

22. Stormwater Dispersion Trench Planting - Dense vegetation at the outlet/discharge of a dispersion trench slows stormwater velocity and further treats and improves the water quality of the stormwater discharge. The final mitigation/enhancement plans shall include dense vegetation planting at the outlet/discharge of the dispersion trenches.

Authority: LUC 20.25H.100

Reviewer: Peter Rosen, Development Services Department

- 23. Wetland Protection - Stormwater Report** - A Stormwater Report is required to demonstrate the proposal meets the State Department of Ecology (DOE) requirements for wetland protection. Requirements include demonstrating that stormwater treatment prior to discharge, that predevelopment hydrology to the wetlands is maintained, and that alterations to the wetland hydrology would not substantially change the depth or duration of ponding or impact the existing wetland vegetation community.

Authority: LUC 20.25H.100; DOE Stormwater Manual, Minimum Requirement #8
Reviewers: Mark Dewey, Utilities Review, Development Services Department
Peter Rosen, Development Services Department

C. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT

- 24. Lighting Fixture Shields:** The applicant shall provide lighting fixture shield details on all exterior lights to prevent spillover light levels outside of the development area.

Authority: LUC 20.25H.080; LUC 20.25H.100
Reviewer: Peter Rosen, Development Services Department

- 25. Multifamily Play Area:** The multifamily play area shall be designed for active and passive recreational activities appropriate for children and shall include amenities such as play equipment and seating benches. A detailed design of the multifamily play area shall be submitted with Building Permits.

Authority: LUC 20.20.540
Reviewer: Peter Rosen, Development Services Department

- 26. Ground Floor Access Points:** Ground floor access points shall be limited to the minimum necessary to comply with the requirements of the International Building Code and International Fire Code. This standard shall be reviewed on the Building Permits.

Authority: LUC 20.25H.205
Reviewer: Peter Rosen, Development Services Department

- 27. Transportation Impact Fee:** Payment of the traffic impact fee will be required at the time of building permit issuance. If multiple building permits will be issued, the impact fee will be tied to the primary above-ground permit. Removal of existing buildings will be eligible for impact fee credit. Impact fees are subject to change and the fee schedule in effect at the time of building permit issuance will apply.

Authority: BCC 22.16
Reviewer: Randa Kiriakos, Transportation Department

28. Building and Site Plans – Transportation

The building grade and elevations shall be consistent with the curb and sidewalk grade shown in the approved civil engineering plans. During construction, city inspectors

may require additional survey work at any time in order to confirm proper elevations. Building plans, landscaping plans, and architectural site plans must accommodate on-site traffic markings and signs and driveway design as specified in the engineering plans. Building plans, landscaping plans, and architectural site plans must comply with vehicle and pedestrian sight distance requirements, as shown on the engineering plans.

Authority: BCC 14.60.060; 110; 120; 150; 180; 181; 190; 240; 241
Reviewer: Randa Kiriakos, Transportation Department

D. PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY

29. Site Plan Recording: The approved site plan shall be recorded with the King County Division of Records and Elections. The site plan shall clearly delineate the approved development area from the protected critical areas/critical area buffers. It shall include a statement that all future activity within the identified critical areas and critical area buffers shall comply with the provisions of the City's Critical Areas Overlay District, Part 20.25H of the Land Use Code. The applicant shall provide a copy of the recorded site plan prior to issuance of any Certificate of Occupancy.

Authority: Land Use Code 20.25H.205
Reviewer: Peter Rosen, Development Services Department

30. Vegetation Management Plan and Bellevue's "Environmental Best Management Practices": A Vegetation Management Plan shall be submitted and approved prior to the final approval of construction permits. The Vegetation Management Plan is intended to guide future residents on the long-term maintenance of the wetland and stream critical areas and associated buffers. The Vegetation Management Plan shall include guidance on removal of invasive plants, replanting, removal of debris and other information to ensure the critical areas/buffers are maintained to protect critical area functions.

The Vegetation Management Plan shall reference that the removal or alteration of vegetation within critical areas and critical area buffers shall be in accordance with the performance standards set forth in LUC 20.25H.055.

The Vegetation Management Plan shall include that the use of herbicides, pesticides, insecticides and fertilizers to maintain commonly-held critical areas and critical area buffers outside the development area and within 150 feet of the edge of the stream/wetland critical area buffers shall be in accordance with the City of Bellevue's "Environmental Best Management Practices."

The Vegetation Management Plan shall be included in the Declaration of Covenants, Conditions, and Restrictions (CC & Rs), and recorded as a legal document to run with the land.

Authority: LUC 20.25H.080; LUC 20.25H.100
Reviewer: Peter Rosen, Development Services Department

31. Transportation Infrastructure:

All transportation infrastructure, street frontage improvements and other required transportation elements, including streetlight and traffic signal revisions, must be constructed by the applicant and accepted by the Transportation Department inspector. All existing streetlight and traffic signal apparatus affected by this development, including traffic controllers, pedestrian signal poles, traffic signal poles, and power sources, must be relocated as necessary. Existing overhead lines must be relocated underground. All required improvements must be constructed as per the approved plans or as per direction of the Transportation Department inspector. Bonding or other types of assurance devices will not be accepted in lieu of construction, unless the City requires a delay.

Authority: BCC 14.60; Comprehensive Plan Policy UT-39; Transportation Department Design Manual; Transportation Department Design Manual Standard Drawings; and Americans with Disabilities Act.

Reviewer: Randa Kiriakos, Transportation Department

32. Pavement Restoration:

Pavement restoration associated with street frontage improvements or to repair damaged street surfaces shall be provided as follows:

- a) 148th Avenue NE: This street is classified as Grind and Overlay required. Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the extent of street cuts or damage) grind and overlay will be required for a minimum of 50 feet.

The extent of the required pavement restoration will be specified with the right-of-way use permit for this project.

Authority: BCC 14.60. 250; Design Manual Design Standard #23

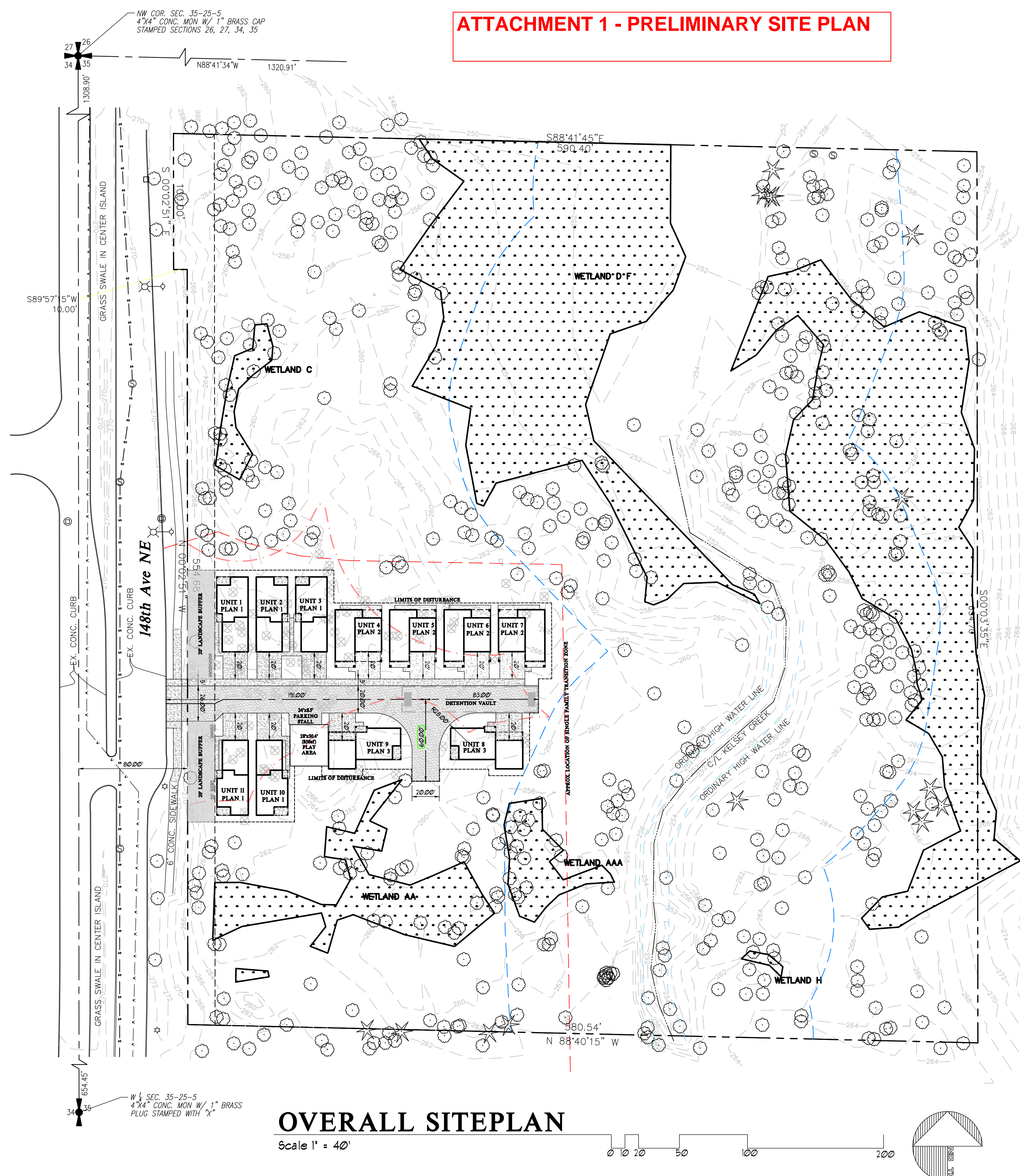
Reviewer: Tim Stever (425) 452-4294

33. Right-of-Way Hold Harmless and Indemnity Agreement:

A right-of-way hold harmless and indemnity agreement for awnings/weather protection, pet relief areas, street furniture, specialized paving materials, and other landscape amenities permanently placed in the right-of-way or sidewalk and utility easement must be submitted and recorded prior to issuance of the initial certificate of occupancy. A right-of-way use permit maybe required for these elements.

Authority: BCC 14.30.160

Reviewer: Randa Kiriakos, Transportation Department



ATTACHMENT 1 - PRELIMINARY SITE PLAN



SITE INFO

STREET ADDRESSES:
110 148th Ave NE, Bellevue, WA 98007

PARCEL NUMBER:
352505-9061

LEGAL DESCRIPTION:
THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON EXCEPT THE WEST 80 FEET THEREOF FOR 148TH AVENUE, NORTHEAST; AND EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF BELLEVUE BY DEED RECORDED UNDER RECORDING NUMBER 7801260790

VERTICAL DATUM:
NAVD88 PER GPS

ZONING

ZONING:
R-10

SETBACKS:
FRONT = 20'-0"
REAR = 30'-0"
SIDE = 5' MIN. 15' COMBINED

HEIGHT LIMIT:
30' ABOVE A.F.G.

STRUCTURE COVERAGE:
35%

IMPERVIOUS SURFACE:
65%

FLOOR AREA RATIO:
N/A

NO SIGNATURE REQUIRED
STATE OF WASHINGTON
ORIGINAL SIGNATURE REQUIRED

Date	By	Description
03/07/19	SM	PRELIMINARY PLAT LAYOUT
05/17/19	SM	CRITICAL LAND USE SUBMITTAL
07/10/19	SM	PREDVELOPMENT SERVICES SUBMITTAL
07/18/19	SM	JURISDICTIONAL COMMENTS
07/23/20	SM	JURISDICTIONAL COMMENTS
08/03/20	SM	FINAL EIR/CEQA CALCULATION
11/19/20	SM	REUSE, UNPAVED

Milestone NW

148th Ave Condos

110 148th Ave NE **Bellevue, WA 98007**

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Forward Thinking Design Solutions For Your Environment

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Bellevue, WA 98007
1-800-888-4517
www.kaplethomplans.com

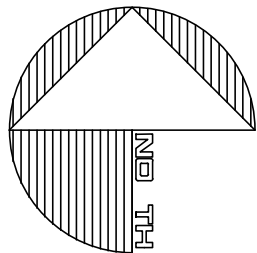
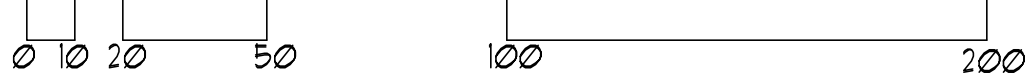
TITLE
JOB NO.: 1814802
STARTING NO.:

SHEET

A1

OVERALL SITEPLAN

Scale 1" = 40'





* NOTE: LOCATIONS OF DISPERSION TRENCHES TO BE REVISED BASED ON ON-GOING HYDROLOGICAL ANALYSIS

* 50 ADDITIONAL TREES TO BE PLANTED WITHIN
KELSEY CREEK BUFFER.



Know what's **below.**
Call before you dig.

1. SURVEY PROVIDED BY EASTSIDE CONSULTANTS, 1320 NIN MALL ST SUITE B, ISSAQUAH, WA 98027, (425) 392-5351.
2. SITE PLAN PROVIDED BY ARCHITECTURAL INNOVATIONS, LLC, 14311 SE 16TH ST, BELLEVUE, WA 98007, 1-(800)-888-4517.
3. SOURCE DRAWING WAS MODIFIED BY TALASAEA CONSULTANTS FOR VISUAL ENHANCEMENT.
4. THIS PLAN IS AN ATTACHMENT TO THE CRITICAL AREAS REPORT PREPARED BY TALASAEA CONSULTANTS IN AUGUST, 2020.

date	05-20-2019
assigned	A5 SHOWN
drawn	DT
checked	FH
approved	AO
	B5
CITY COMMENTS	
CITY COMMENTS	
CITY COMMENTS	
7-15-2020	
8-10-2020	
FN	
MN	
12-20-2019	
2019	

Project # 877D

Sheet # W.I.

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Z:\DRAWING\800-899\TAL877D\Plans\TAL-877D WP 2020-08.dwg
Plotted August 11, 2020



---	SITE AREA	380,847 SF
	DEVELOPED AREA	38,081 SF
	(9.99% OF SITE)	

PLAN LEGEND

PROPERTY LINE

EXISTING WETLAND

WETLAND BUFFER

STREAM CENTERLINE

STREAM ORDINARY HIGH WATER MARK (OHWM)

STREAM BUFFER

EXISTING TREES TO REMAIN

DECIDUOUS

CONIFERUS

POST CONSTRUCTION BUFFER/

DETAIL

2

* NOTE: LOCATIONS OF DISPERSION TRENCHES TO BE REVISED BASED ON ON-GOING HYDROLOGICAL ANALYSIS

MITIGATION LEGEND

	WETLAND ENHANCEMENT	10,967 SF
	NON-COMPENSATORY WETLAND CREATION (CITY OF BELLEVUE, ONLY)	2,373 SF
	BUFFER ENHANCEMENT	33,972 SF
	BUFFER ENHANCEMENT (TREES ONLY)*	21,276 SF
	RESTORATION FOR TEMPORARY CONSTRUCTION IMPACTS	5,712 SF
	WETLAND BUFFER CREATION	1,205 SF

NOT FOR CONSTRUCTION

THESE PLANS HAVE BEEN
SUBMITTED TO THE APPROPRIATE
AGENCIES FOR REVIEW AND
APPROVAL. UNTIL APPROVED,
THESE PLANS ARE:

SUBJECT TO REVISION



Know what's **below**.
Call before you dig.

NOTES

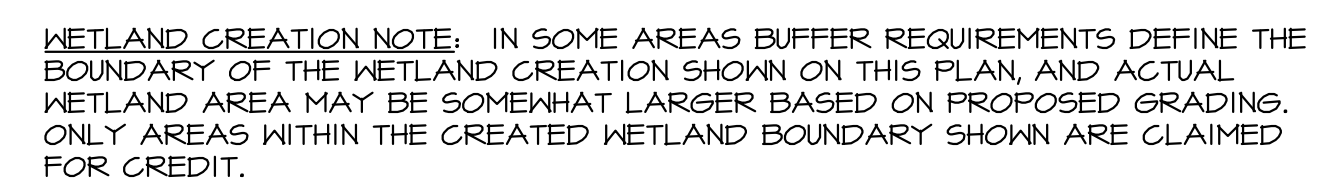
1. SURVEY PROVIDED BY EASTSIDE CONSULTANTS, 1320 NW MALL ST SUITE B, ISSAGUAH, WA 98027, (425) 542-5581.
2. SITE PLAN PROVIDED BY ARCHITECTURAL INNOVATIONS, 14311 SE 16TH ST, BELLEVUE, WA 98007, 1-(800)-888-4517.
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CITY COMMENTS	12-20-2019	FH
CITY COMMENTS	7-15-2020	NM
CITY COMMENTS	8-10-2020	FH

ate 05-20-2019
cale AS SHOWN
esigned DT
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pproved BS

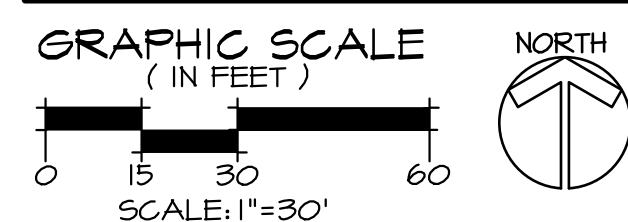
Project # 877D

Sheet # W1.2



Know what's **below**.
Call before you dig.

1. SURVEY PROVIDED BY EASTSIDE CONSULTANTS, 8320 NW 141ST SUITE B, ISSAQUIAH, WA 98027, (425) 394-5351.
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4. THIS PLAN IS AN ATTACHMENT TO THE CRITICAL AREAS REPORT PREPARED BY TALASAEA CONSULTANTS IN AUGUST, 2020.



Legend:

- PROPERTY LINE
- EXISTING WETLAND BOUNDARY
- WETLAND BUFFER - STANDARD
- STREAM CENTERLINE
- STREAM ORDINARY HIGH WATER MARK (OHWM)
- STREAM BUFFER - STANDARD
- POST CONSTRUCTION CRITICAL AREA BUFFER
- 2-RAIL FENCE - SEE DETAIL
- EXISTING CONTOUR
- FLOOD EASEMENT LINE

NOTE: SEE GRADING LEGEND FOR LARGE WOODY DEBRIS

BUFFER RESTORATION & ENHANCEMENT TREES	
SCIENTIFIC NAME	COMMON NAME
ACER CIRCINATUM	VINE MAPLE
ACER MACROPHYLLUM	BIG LEAF MAPLE
CORNUS NUTTALLII	PACIFIC DOGWOOD
CORYLUS CORNUTA	WESTERN HAZELNUT
PSUEDOTSUGA MENZIESII	DOUGLAS FIR
RHAMNUS PURSHIANA	CASCARA
SORBUS SITCHENSIS	SITKA MOUNTAIN ASH
THUJA PLICATA	WESTERN RED CEDAR
SHRUBS	
SCIENTIFIC NAME	COMMON NAME
AMELANCHIER ALNIFOLIA	SERVICEBERRY
CRATAEGUS DOUGLASII	BLACK HAWTHORN
GAULTHERIA SHALLO	SALAL
HOLODISCUS DISCOLOR	OCEAN SPRAY
MAHONIA AQUIFOLIUM	TALL OREGON GRAPE
CEMLERIA CRASIFORMIS	INDIAN PLUM
POLYSTICHUM MUNITUM	SWORD FERN
RIBES SANGUINEUM	RED CURRANT
ROSA NUTKANA	NOOTKA ROSE
RUBUS PARVIFLORUS	THIMBLEBERRY
SAMBUCUS RACEMOSA	RED ELDERBERRY
SYMPHORICARPOS ALBUS	COMMON SNOWBERRY

TREES	
SCIENTIFIC NAME	COMMON NAME
ABIES GRANDIS	GRAND FIR
ACER MACROPHYLLUM	BIG LEAF MAPLE
PRUNUS EMARGINATA	BITTERCHERRY
PSEUDOTSUGA MENZIEI	DOUGLAS FIR
WETLAND ENHANCEMENT	
TREES	
SCIENTIFIC NAME	COMMON NAME
PICEA SITCHENSIS	SITKA SPRUCE
THUJA PLICATA	WESTERN RED CEDAR
SHRUBS	
SCIENTIFIC NAME	COMMON NAME
CORNUS ALBA	RED-OSIER DOGWOOD
GRATAEGUS DOUGLASII	SMALL HAWTHORN
LONICERA INVOLUCRATA	BLACK THIN-BERRY
EMERGENTS	
SCIENTIFIC NAME	COMMON NAME
CAREX COMOSA	BEARDED SEDGE
CAREX OBNUPATA	SLOUGH SEDGE
SCIRPUS MICROCARPUS	SMALL-FRUITED BULRUSH

SCIENTIFIC NAME	COMMON NAME
ALOPECURUS GENICULATUS	WATER FOXTAIL
CAREX OBNUPTA	SLOUGH SEDGE
ELEOCHARIS PALUSTRIS	COMMON SPIKERUSH
JUNCUS ENSIFOLIS	DAGGER-LEAVED RUSH
SAGITTARIA LATIFOLIA	ARROWHEAD
SCIRPUS CYPERINUS	WOOL GRASS
SCIRPUS MICROCARPUS	SMALL-FRUITED BULRUSH
SPARGANIUM EURYCARPUM	BROAD-FRUITED BURKEED



719 Second Avenue, Suite 1150
Seattle, WA 98104-1728
206-623-9372
vnf.com

October 30, 2019

VIA EMAIL AND FIRST CLASS MAIL

Peter Rosen
Senior Planner, Land Use Division
City of Bellevue
Department of Development Services
P.O. Box 90012
Bellevue, WA 98009
PRosen@bellevuewa.gov

Re: 19-113487-LO
148th Ave Condos
110 148th Ave. NE

Dear Mr. Rosen:

I represent Echo Three, L.L.C., one of the owners of the property that is under contract with Milestone NW for development of the proposed 148th Ave. Condos. I have been asked to respond to Land Use Review - Comment No. 1 in your September 17, 2019 letter to Mr. Greg Arms.

Comment No. 1 concerns comments you received from Eckart Schmidt and Leonard McGhee that allege a road access easement through the subject property for access to the Puesta Del Sol Elementary School Property. There is no such easement.

Attached is the most recent Title Commitment No. 190036-SC, prepared by Chicago Title for the subject property and for the sale to Milestone NW, dated January 7, 2019. As you can see, this title report, which covers all of the property owned by my client, lists all exceptions to title. None of these exceptions reference any access easement to the adjoining property as alleged by Mr. Schmidt and Mr. McGhee.

The emails attached to your September 17, 2019 letter include one from Mr. Schmidt that refers to easements granted to the City for which the City paid \$43,800. The only easement of record, for which the City paid \$43,800, is a flood easement that was acquired by the City through condemnation. This flood easement is referenced in Exception 3 to the title report.

I am attaching a copy of the Judgment and Decree of Appropriation for this flood easement. As you can see, the City was ordered to pay \$43,800 for this flood easement. You can also see that two easement rights were established through this condemnation. One allows the City to flood a specified portion of the property. That flood easement area has been shown in the documents provided to the City by Milestone NW. The other grants the City access across the subject property for flood area maintenance. No easement rights were condemned by the City allowing access across the subject property to any adjoining properties.

I trust this resolves this issue. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Brent Carson', with a long horizontal flourish extending to the right.

Brent Carson

BC:jeh

Enclosures

cc: Ron Hartson (w/encl.)
Jim Niblack (w/encl.)
Greg Arms (w/encl.)

ALTA COMMITMENT FOR TITLE INSURANCE

Issued By agent:



CHICAGO TITLE
COMPANY OF WASHINGTON
NATIONAL COMMERCIAL SERVICES

Commitment Number:

190036-SC

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Chicago Title Insurance Company

By:

President

Countersigned By:

Authorized Officer or Agent



Attest:

Secretary

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ALTA Commitment for Title Insurance (08/01/2016)



Transaction Identification Data for reference only:

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT (NOT TITLE ONLY):
Title Officer: Seattle Commercial Unit Chicago Title Company of Washington 701 5th Avenue, Suite 2700 Seattle, WA 98104 Main Phone: (206)628-5610 Email: SeattleNCS.Title@ctt.com	Escrow Officer: Paula Adams Chicago Title Company of Washington 10500 NE 8th St., Suite 600 Bellevue, WA 98004 Phone: 425-646-9882 Fax: 425-637-3367 Main Phone: (425)455-4995 Email: Paula.Adams@ctt.com

Order Number: 190036-SC**SCHEDULE A**

1. Commitment Date: January 7, 2019 at 08:00 AM

2. Policy to be issued:

(a) ALTA Owner's Policy 2006

Proposed Insured: Milestone Northwest, LLC
Proposed Policy Amount: \$3,000,000.00
Premium: \$ 7,853.00
Tax: \$ 785.30
Rate: Extended
Total: \$ 8,638.30

(b) ALTA Loan Policy 2006

Proposed Insured: Lender with contractual obligations under a loan agreement with the vested owner identified at Item 4 below or a purchaser
Proposed Policy Amount: \$100,000.00
Premium: \$ 250.00
Tax: \$ 25.00
Rate: Extended
Discount(s): Simultaneous
Total: \$ 275.00

3. The estate or interest in the Land described or referred to in this Commitment is:

Fee Simple

4. The Title is, at the Commitment Date, vested in:

James M. Niblack, Trustee of the Hartson Family Resource Trust, as to an undivided one-half interest; and

Echo Three LLC, a Washington limited liability company, as to an undivided one-half interest

5. The Land is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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ALTA Commitment for Title Insurance (08/01/2016)



EXHIBIT "A"
Legal Description

The northwest quarter of the southwest quarter of the northwest quarter of Section 35, Township 25 North, Range 5 East, W.M., in King County, Washington;

Except the west 30 feet thereof; And

Except that portion thereof conveyed to King County by deed recorded under Recording Number 5382721; And

Except that portion thereof conveyed to the City of Bellevue by deed recorded under Recording Number 7801260790.

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ALTA Commitment for Title Insurance (08/01/2016)

Page 3

Printed: 01.10.19 @ 10:59 AM
WA-CT-FBCM-02150.622476-SPS-1-19-190036-SC



**SCHEDULE B, PART I
REQUIREMENTS**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.
6. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.
7. For each policy to be issued as identified in Schedule A, Item 2; the Company shall not be liable under this commitment until it receives a designation for a Proposed Insured, acceptable to the Company. As provided in Commitment Condition 4, the Company may amend this commitment to add, among other things, additional exceptions or requirements after the designation of the Proposed Insured.
8. Payment of the real estate excise tax, if required.

The Land is situated within the boundaries of local taxing authority of City of Bellevue.

Present rate of real estate excise tax as of the date herein is 1.78 percent.

Any conveyance document must be accompanied by the official Washington State Excise Tax Affidavit. The applicable excise tax must be paid and the affidavit approved at the time of the recording of the conveyance documents. (NOTE: Real Estate Excise Tax Affidavits must be printed as legal size forms).

An additional \$5.00 Electronic Technology Fee must be included in all excise tax payments.

If the transaction is exempt, an additional \$5.00 Affidavit Processing Fee is required.

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

9. Terms, powers, conditions, and limitations of the trust under which title is held.

The Company will require a copy of the trust agreement and any amendments thereto for review.

If the property which is the subject of this transaction constitutes more than 25 percent of the net fair market value of the trust principal, proof must be furnished to the Company that the trustee has complied with the 20 day notice to the beneficiaries of the nature and terms of the intended transaction as provided in RCW 11.100.140.

The Company reserves the right to add additional items/exceptions or make further requirements after review of the requested documentation.

10. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: Echo Three LLC

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

11. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: Milestone Northwest, LLC

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

12. **TO PROVIDE THE EXTENDED COVERAGE POLICY AND/OR ALTA HOMEOWNER'S POLICY IDENTIFIED IN SCHEDULE A, GENERAL EXCEPTIONS A THROUGH D WILL BE CONSIDERED WHEN OUR INSPECTION AND/OR REVIEW OF SURVEY, IF REQUIRED, IS COMPLETED. A SUPPLEMENTAL COMMITMENT WILL FOLLOW.**

If there have been recent improvements on the property within 90 days prior to closing we will require a signed indemnity agreement and a recent financial statement from each indemnitor.

If construction financing is to be insured, please contact the title officer for requirements.

The Company reserves the right to add additional exceptions or make further requirements after review of the property inspection and requested documentation.

Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART I
REQUIREMENTS**

(continued)

13. The Company will require an ALTA/ACSM LAND TITLE SURVEY. If the owner of the Land the subject of this transaction is in possession of a current ALTA/ACSM LAND TITLE SURVEY, the Company will require that said survey be submitted for review and approval; otherwise, a new survey, satisfactory to the Company, must be prepared by a licensed land surveyor and supplied to the Company prior to the close of escrow.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

14. Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the seller/borrower must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

END OF REQUIREMENTS**NOTES**

The following matters will not be listed as Special Exceptions in Schedule B of the policy. There will be no coverage for loss arising by reason of the matters listed below because these matters are either excepted or excluded from coverage or are not matters covered under the insuring provisions of the policy.

Note A: Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

Note B: The premium for the Extended Coverage Owner's Policy is itemized as follows:

Standard Coverage:	\$5,817.00
Sales tax:	\$581.70
Extended coverage surcharge:	\$2,036.00
Sales tax on surcharge:	\$203.60

TOTAL PREMIUM, INCLUDING TAX: \$8,638.30

Your invoice to follow, will include

Inspection charge:	\$230.00
Sales tax:	\$23.00

TOTAL CHARGES, INCLUDING TAX: \$8,891.30

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

Note C: FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per Amended RCW 65.04.045. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document:

PTN NW1/4, STR 35-25N-5E, WM
Tax Account No.: 352505-9061-02

Note D: There are NO conveyances affecting said Land recorded within 36 months of the date of this report.

Note E: Any map furnished with this Commitment is for convenience in locating the land indicated herein with reference to streets and other land. No liability is assumed by reason of reliance thereon.

END OF NOTES

END OF SCHEDULE B, PART I

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART II
EXCEPTIONS**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

GENERAL EXCEPTIONS

- A. Rights or claims of parties in possession, or claiming possession, not shown by the Public Records.
- B. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
- C. Easements, prescriptive rights, rights-of-way, liens or encumbrances, or claims thereof, not shown by the Public Records.
- D. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the Public Records.
- E. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the Public Records.
- F. Any lien for service, installation, connection, maintenance, tap, capacity, or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records.
- G. Unpatented mining claims, and all rights relating thereto.
- H. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.
- I. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
- J. Water rights, claims or title to water.
- K. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

SPECIAL EXCEPTIONS

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**SCHEDULE B, PART II
EXCEPTIONS**
(continued)

1. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Municipality of Metropolitan Seattle
 Purpose: Install, construct, operate, maintain, remove, repair, replace and use a sewer line with all connections, manholes and appurtenances
 Recording Date: December 3, 1964
 Recording No.: 5818611
 Affects: Portion of said premises and other property lying within a strip of land 10 feet in width
2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Lake Hills Sewer District, a municipal corporation
 Purpose: Construct, operate, maintain and/or repair and/or replace a sewer line or lines and appurtenances thereto; Together with the right of ingress and egress
 Recording Date: March 7, 1966
 Recording No.: 5997053
 Affects: Northerly portion of said premises
3. Easement condemned in King County Superior Court, including the terms and provisions thereof:

Cause No.: 82-2-03496-7
 In favor of: City of Bellevue, a municipal corporation
 Purpose: Rights to flood; Access to flood area for maintenance; and reconstruction, maintenance and repair of
 Affects: Portions of said premises
4. Right to make necessary slopes for cuts or fills upon property herein described as granted or reserved in deed

In favor of: King County
 Recording Date: February 1, 1962
 Recording No.: 5382721
5. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey:

Recording No: 20020612900015
6. Terms and conditions of notice of charges by water, sewer, and/or storm and surface water utilities, recorded under Recording Number 9612200938.

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART II
EXCEPTIONS**

(continued)

7. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year: 2018
Tax Account No.: 352505-9061-02
Levy Code: 0330
Assessed Value-Land: \$2,126,400.00
Assessed Value-Improvements: \$0.00

General and Special Taxes:

Billed: \$19,563.83
Paid: \$19,563.83
Unpaid: \$0.00

8. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2019.
9. Liability for Sewer Treatment Capacity Charges, if any, affecting certain areas of King, Pierce and Snohomish Counties. Said charges could apply to property connecting to the metropolitan sewerage facilities or reconnecting or changing its use and/or structure after February 1, 1990.
Please contact the King County Wastewater Treatment Division, Capacity Charge Program, for further information at 206-296-1450 or Fax No. 206-263-6823 or email at CapChargeEscrow@kingcounty.gov.

* A map showing sewer service area boundaries and incorporated areas can be found at:
<http://www.kingcounty.gov/services/gis/Maps/vmc/Utilities.aspx#4E564EB5E6894FBC95694BE009A45399>

Unrecorded Sewer Capacity Charges are not a lien on title to the Land.

NOTE: This exception will not appear in the policy to be issued.

10. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.
11. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

END OF SCHEDULE B, PART II

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ALTA Commitment for Title Insurance (08/01/2016)



COMMITMENT CONDITIONS**1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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ALTA Commitment for Title Insurance (08/01/2016)



(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

END OF CONDITIONS

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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ALTA Commitment for Title Insurance (08/01/2016)



RECORDING REQUIREMENTS

Effective January 1, 1997, document format and content requirements have been imposed by Washington Law. Failure to comply with the following requirements may result in rejection of the document by the county recorder or imposition of a \$50.00 surcharge.

First page or cover sheet:

3" top margin containing nothing except the return address.

1" side and bottom margins containing no markings or seals.

Title(s) of documents.

Recording no. of any assigned, released or referenced document(s).

Grantors names (and page no. where additional names can be found).

Grantees names (and page no. where additional names can be found).

Abbreviated legal description (Lot, Block, Plat Name or Section, Township, Range and Quarter, Quarter Section for unplatted). Said abbreviated legal description is not a substitute for a complete legal description which must also appear in the body of the document.

Assessor's tax parcel number(s).

Return address (in top 3" margin).

**A cover sheet can be attached containing the above format and data if the first page does not contain all required data.

Additional Pages:

1" top, side and bottom margins containing no markings or seals.

All Pages:

No stapled or taped attachments. Each attachment must be a separate page. All notary and other pressure seals must be smudged for visibility. Font size of 8 points or larger.



Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:

<http://www.fbi.gov>

Internet Crime Complain Center:

<http://www.ic3.gov>

**FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE
Revised May 1, 2018**

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF", "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

Types of Information Collected

We may collect two types of information from you: Personal Information and Browsing Information.

Personal Information. FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

Browsing Information. FNF may automatically collect the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or mobile device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

How Personal Information is Collected

We may collect Personal Information about you from:

- information we receive from you on applications or other forms;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

How Browsing Information is Collected

If you visit or use an FNF Website, Browsing Information may be collected during your visit. Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to other websites. FNF is not responsible for the privacy practices or the content of any of those other websites. We advise you to read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and third parties' products and services, jointly or independently.

When Information Is Disclosed

We may make disclosures of your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Please see "**Choices With Your Information**" to learn the disclosures you can restrict.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to guard your Personal Information. We limit access to nonpublic personal information about you to employees who need to know that information to do their job. When we provide Personal Information to others as discussed in this Privacy Notice, we expect that they process such information in compliance with our Privacy Notice and in compliance with applicable privacy laws.

Choices With Your Information

If you do not want FNF to share your information with our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about you creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are meant for adults and are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The revised Privacy Notice, showing the new revision date, will be posted on the FNF Website. Each time you provide information to us following any amendment of this Privacy Notice, your provision of information to us will signify your assent to and acceptance of the terms of the revised Privacy Notice for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you submit to us in any manner that we may choose without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to access or correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests via email to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

FILED

'83 MAR 31 PM 2:42

KING COUNTY,
SUPERIOR COURT CLERK
SEATTLE, WA.

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

CITY OF BELLEVUE, a municipal
corporation,

Petitioner,

vs.

GENE MERLINO, A. RON HARTSON
and JUDITH A. HARTSON, et al,

Respondents.

NO. 82-2-03496-7

JUDGMENT AND DECREE
OF APPROPRIATION
PARCEL 001-133-022

THIS MATTER having come on before the court on the
written stipulation of the parties having an interest in
Parcel 001-133-022, acting by and through their attorneys of
record and having approved this judgment for entry and
waived presentation of the same, and the court being fully
advised in the premises, it is hereby

ORDERED, ADJUDGED AND DECREED:

(1) All terms of the aforesaid stipulation are hereby
incorporated in this judgment.

(2) Respondents, their successors, administrators and
assigns, shall have the right to designate at any time,
before, during or after development or improvement of this
parcel, a more particular location for the easement granted
herein for access to the flood area for maintenance purposes.

The easement so designated shall be sufficiently wide to
give access reasonably necessary for the purposes intended.
The existence of this easement shall not restrict or hinder
respondents' right to plan, build, maintain, or mortgage
improvements on the parcel. On designation and description
by respondent of a more particular and definite location for

JUDGMENT AND DECREE
OF APPROPRIATION
PARCEL 001-133-022 - 1

Linda M. Youngs
CITY ATTORNEY
City of Bellevue
11611 Main Street
P.O. Box 1766
Bellevue, WA 98008
(206) 455-6829

83-9-04539-9

25L
26C
27SH
28P
29P
30M
31E
32N


271.

1 the access easement, the parties hereto shall record said
2 easement with King County, and the access easement granted
3 by this judgment shall be superseded thereby.

4 (3) Upon payment of the sum of \$43,800.00 into the
5 registry of the court in this cause, petitioner City of
6 Bellevue shall become the owner of the easement rights in
7 the property as described on the attached Exhibit "1".

8 (4) The clerk of the court is thereupon authorized and
9 directed to enter satisfaction of the judgment and to hold
10 the sum for distribution to respondents as their interests
11 appear.

12 DONE IN OPEN COURT this 31 day of March,
13 1983.

14 
15 JUDGE

16 PRESENTED BY:

17 CITY OF BELLEVUE
18 Linda M. Youngs, City Attorney

19 By Scott C. McKee
20 Scott C. McKee
Special Assistant City Attorney

21 APPROVED AS TO FORM AND NOTICE
22 OF ENTRY WAIVED BY:

23 Eric B. Swanson
24 Eric B. Swanson Attorney for
25 Respondents Brady International
Lumber, Hartson Partnership, A.
Ron Hartson and Judith Hartson

26 KING COUNTY
27 Norm Maleng, Prosecuting Attorney

28 By Darrell L. Syferd
29 Darrell L. Syferd
Deputy Prosecuting Attorney

30 Robert L. Gunter
31 Robert L. Gunter Attorney for
32 Municipality of Metropolitan
Seattle

JUDGMENT AND DECREE
OF APPROPRIATION
Parcel 001-133-022 - 2

Linda M. Youngs
CITY ATTORNEY
City of Bellevue
11511 Main Street
P.O. Box 1768
Bellevue, WA 98009
(206) 455-6829

PARCEL 001-133-022

Easement rights over, under, upon and across the following described land for rights to a) flood that area described as "Area B" more frequently than that which is naturally occurring; b) to allow access across Area A to the flood area for maintenance; c) allow reconstruction, operation, inspection, maintenance and repair of stream within Area B.

AREA A:

The Northwest quarter of the Southwest quarter of the Northwest quarter of Section 35, Township 25 North, Range 5 East, W.M., in King County, Washington, EXCEPT the West 50 feet for 148th Avenue Northeast and EXCEPT portion described as follows:

BEGINNING at the Southwest corner of the abovedescribed property the TRUE POINT OF BEGINNING; thence North 00°02'51" West 654.42 feet along the East margin of 148th Avenue Northeast; thence South 88°41'46" East 20.00 feet; thence South 00°02'51" East 100 feet; thence North 89°57'06" East 10.00 feet; thence South 00°02'51" East 555.14 (S/B 554.69 feet; thence North 88° 40'14" West 30.00 feet to the POINT OF BEGINNING; and containing 380,837 square feet, more or less.

AREA B:

COMMENCING at the Northeast corner of said subdivision; thence North 88°41'46" West along the North line thereof 134.00 feet to the POINT OF BEGINNING; thence South 1°18'14" West 58.00 feet; thence South 30°00'00" West 120.00 feet; thence South 6°00'00" East 95.00 feet; thence South 49°00'00" East 95.00 feet; thence South 15°00'00" West 79.96 feet; thence South 37°00'00" West 149.14 feet; thence South 8°25'01" East 139.46 feet to the South line of said subdivision; thence North 88°40'19" West along said line 40.17 feet; thence North 8°25'01" West 133.00 feet; thence North 23°32'42" East 48.03 feet; thence North 46°00'00" East 126.00 feet; thence North 0°03'35" West 55.00 feet; thence North 72°00'00" West 78.00 feet; thence North 36°00'00" West 120.00 feet; thence South 77°00'00" West 47.00 feet; thence North 38°00'00" West 52.00 feet; thence North 35°45'18" East 158.85 feet; thence North 45°13'19" West 82.61 feet to the said North line; thence South 88°41'46" East along said line 208.00 feet to the POINT OF BEGINNING; and containing 58,924 square feet, more or less; TOGETHER WITH that portion of said subdivision described as follows: AND COMMENCING at the Northeast corner of said subdivision; thence South 0°03'35" East along the East line of said subdivision 28.00 feet; thence North 55°25'42" West 51.03 feet to the North line of said subdivision; thence South 88°41'46" East along said North line 42.01 feet to the POINT OF BEGINNING; and containing 588 square feet, more or less.